

<p style="text-align: right;">Page 1</p> <p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 FOR THE NORTHERN DISTRICT OF ALABAMA</p> <p>3 MIDDLE DIVISION</p> <p>4</p> <p>5</p> <p>6 CASE NUMBER: 4:15-cv-1152-VEH</p> <p>7</p> <p>8</p> <p>9 MICHELLE LEE HELM,</p> <p>10 Plaintiff,</p> <p>11</p> <p>12 vs.</p> <p>13</p> <p>14 RAINBOW CITY, ALABAMA, et al.,</p> <p>15 Defendants.</p> <p>16</p> <p>17</p> <p>18</p> <p>19 DEPOSITION OF JUSTIN GILLILAND</p> <p>20 DATE TAKEN: May 19, 2016</p> <p>21</p> <p>22</p> <p>23</p>	<p>1 IT IS FURTHER STIPULATED AND AGREED</p> <p>2 that the signature to and the reading of the</p> <p>3 deposition by the witness is waived, the</p> <p>4 deposition to have the same force and effect</p> <p>5 as if full compliance had been had with all</p> <p>6 laws and rules of Court relating to the</p> <p>7 taking of depositions.</p> <p>8</p> <p>9 IT IS FURTHER STIPULATED AND AGREED</p> <p>10 that it shall not be necessary for any</p> <p>11 objections to be made by counsel to any</p> <p>12 questions except as to form or leading</p> <p>13 questions, and that counsel for the parties</p> <p>14 may make objections and assign grounds at the</p> <p>15 time of the trial, or at the time said</p> <p>16 deposition is offered in evidence, or prior</p> <p>17 thereto.</p> <p>18</p> <p>19 IT IS FURTHER STIPULATED AND AGREED</p> <p>20 that the notice of filing of the deposition</p> <p>21 by the Commissioner is waived.</p> <p>22</p> <p>23</p>
<p style="text-align: right;">Page 2</p> <p>1 In accordance with Rule 5(d) of The</p> <p>2 Alabama Rules of Civil Procedure, as amended,</p> <p>3 effective May 15, 1988, I Beth C. Word, am</p> <p>4 hereby delivering to Mr. H. Gregory Harp the</p> <p>5 original transcript of the oral testimony</p> <p>6 taken on the 19th day of May 2016, along with</p> <p>7 exhibits.</p> <p>8</p> <p>9 Please be advised that this is the</p> <p>10 same and not retained by the Court Reporter,</p> <p>11 nor filed with the Court.</p> <p>12</p> <p>13</p> <p>14</p> <p>15 S T I P U L A T I O N S</p> <p>16 IT IS STIPULATED AND AGREED by and</p> <p>17 between the parties through their counsel,</p> <p>18 that the deposition of JUSTIN GILLILAND may</p> <p>19 be taken before Beth C. Word, Commissioner,</p> <p>20 at the Law Office of Clark Hall, 750 Forrest</p> <p>21 Avenue, Gadsden, Alabama, on the 19th day of</p> <p>22 May 2016.</p> <p>23</p>	<p style="text-align: right;">Page 4</p> <p>1 APPEARANCES</p> <p>2</p> <p>3 FOR THE PLAINTIFF:</p> <p>4</p> <p>5 GREGORY HARP, LLC</p> <p>6 BY: Mr. H. Gregory Harp and</p> <p>7 Mr. Moses Stone</p> <p>8 ADDRESS: 459 Main Street</p> <p>9 Suite 101-266</p> <p>10 Trussville, Alabama 35173</p> <p>11 (205) 544-3132</p> <p>12</p> <p>13</p> <p>14 FOR THE DEFENDANT:</p> <p>15</p> <p>16 FORD, HOWARD & CORNETT, P.C.</p> <p>17 BY: Mr. H. Edward Howard</p> <p>18 ADDRESS: 140 South Ninth Street</p> <p>19 Gadsden, Alabama 35901</p> <p>20 (256) 546-5432</p> <p>21</p> <p>22</p> <p>23</p>

<p style="text-align: right;">Page 5</p> <p>1 STUBBS, SILLS & FRYE, P.C. 2 BY: Mr. C. David Stubbs 3 ADDRESS: 1724 South Quintard Avenue 4 Anniston, Alabama 36201 5 (256) 835-5050 6 7 8 F&B LAW FIRM, P.C. 9 BY: Ms. Allison B. Chandler 10 ADDRESS: 213 Greene Street 11 Huntsville, Alabama 35801 12 (256) 536-0095 13 14 15 16 17 18 19 20 21 22 23 INDEX</p>	<p style="text-align: right;">Page 7</p> <p>1 Gadsden, Alabama, acting as Commissioner, 2 certify that on this date, as provided by the 3 Alabama Rules of Civil Procedure and the 4 foregoing stipulation of counsel, there came 5 before me at the Law Office of Clark Hall, 6 750 Forrest Avenue, Gadsden, Alabama, 7 beginning at 9:00 a.m., JUSTIN GILLILAND, 8 witness in the above cause, for oral 9 examination, whereupon the following 10 proceedings were had: 11 12 13 THE COURT REPORTER: Usual 14 stipulations? 15 MR. HARP: Yes. 16 MS. CHANDLER: Yes. 17 MR. STUBBS: Yes. 18 MR. HOWARD: Yes. 19 20 JUSTIN GILLILAND, 21 being first duly sworn, was 22 examined and testified as follows: 23 EXAMINATION BY MR. HARP:</p>
<p style="text-align: right;">Page 6</p> <p>1 2 EXAMINATION BY: PAGE NUMBER: 3 Mr. Harp 8 4 5 6 7 EXHIBITS: 8 PX- 1 - Notice of Deposition 21 9 PX- 2 - Amended Complaint 55 10 PX- 3 - Statement of Gilliland 105 11 PX- 4 - Photo 105 12 PX- 5 - Morgan Use of Force Form 165 13 PX- 6 - Photo 185 14 PX- 7 - Photo 191 15 PX- 8 - Taser Information 193 16 PX- 9 - Statement of Morris 204 17 PX-10 - Synopsis Use of Force Form 210 18 19 20 21 22 23 I, BETH C. WORD, a Court Reporter of</p>	<p style="text-align: right;">Page 8</p> <p>1 Q. Sir, would you state your full name 2 for the record? 3 A. Justin Wayne Gilliland. 4 Q. Okay. Mr. Gilliland, my name is 5 Greg Harp. And I am the attorney for 6 Michelle Helm and her minor daughter. And 7 we're going to refer to the daughter as much 8 as I can without mistake as T.H. throughout 9 the course of your deposition. Can we have 10 the understanding that we're referring to the 11 minor daughter of Michelle Helm if I refer to 12 T.H. 13 A. Right. 14 Q. Okay. And have you ever given a 15 deposition before? 16 A. No, sir. 17 Q. Okay. What will happen is, Madam 18 Court Reporter will take down everything that 19 is said in the room today while we're on the 20 record. And so one of the things that you 21 and I need to do is make sure that I get to 22 finish my question before you start your 23 answer. And I'll try not to step on your</p>

<p style="text-align: right;">Page 9</p> <p>1 answer with another question. Okay?</p> <p>2 A. Okay.</p> <p>3 Q. And you're doing a great job right</p> <p>4 now of answering out loud, but she cannot</p> <p>5 take down head nods, so you will need to</p> <p>6 verbally express your answer even if it's</p> <p>7 just yes or no. Okay?</p> <p>8 A. Okay.</p> <p>9 Q. All right. Can you tell me where</p> <p>10 you are employed?</p> <p>11 A. I am employed at the Rainbow City</p> <p>12 Police Department in Rainbow City, Alabama.</p> <p>13 Q. And how long have you been employed</p> <p>14 at the Rainbow City Police Department?</p> <p>15 A. November 16th of this year will be</p> <p>16 six years.</p> <p>17 Q. So you started in 2010; is that</p> <p>18 right?</p> <p>19 A. Yes, sir.</p> <p>20 Q. When you started at the Rainbow</p> <p>21 City Police Department in 2010, what was your</p> <p>22 job title?</p> <p>23 A. I started out as just an officer.</p>	<p style="text-align: right;">Page 11</p> <p>1 Q. Did you work as an SRO at any other</p> <p>2 school?</p> <p>3 A. No, sir.</p> <p>4 Q. And how long did you work as an</p> <p>5 SRO?</p> <p>6 A. Almost two years.</p> <p>7 Q. So somewhere around 2014; is that</p> <p>8 right?</p> <p>9 A. Yes, sir.</p> <p>10 Q. And after you left the SRO duty,</p> <p>11 what was your job title?</p> <p>12 A. I went back to patrol.</p> <p>13 Q. How long did you remain on patrol</p> <p>14 during that period of time?</p> <p>15 A. Almost a year.</p> <p>16 Q. So somewhere around 2015, early</p> <p>17 2016?</p> <p>18 A. Yes, sir.</p> <p>19 Q. And in early 2016, late 2015, what</p> <p>20 was your job title changed to?</p> <p>21 A. I became a detective</p> <p>22 investigator.</p> <p>23 Q. Detective investigator. Prior to</p>
<p style="text-align: right;">Page 10</p> <p>1 Q. A patrol officer?</p> <p>2 A. Yes, sir.</p> <p>3 Q. How long did you work as a patrol</p> <p>4 officer?</p> <p>5 A. Probably maybe a year, year and a</p> <p>6 half.</p> <p>7 Q. So that puts it somewhere in the</p> <p>8 2011 range, or actually 2012?</p> <p>9 A. Possibly.</p> <p>10 Q. If you started there in November of</p> <p>11 2010 and you worked as a patrol officer for a</p> <p>12 year and a half, that would put it somewhere</p> <p>13 around 2012, right?</p> <p>14 A. 2011, 2012.</p> <p>15 Q. Okay. And what was your next job</p> <p>16 title?</p> <p>17 A. I became a school resource</p> <p>18 officer.</p> <p>19 Q. And you became an SRO at what</p> <p>20 school?</p> <p>21 A. Rainbow Middle School.</p> <p>22 Q. And where is that located?</p> <p>23 A. In Rainbow City.</p>	<p style="text-align: right;">Page 12</p> <p>1 becoming a patrol officer in 2010, you</p> <p>2 attended the police academy, correct?</p> <p>3 A. Correct.</p> <p>4 Q. Where did you attend the police</p> <p>5 academy?</p> <p>6 A. Northeast Alabama Police Academy in</p> <p>7 Jacksonville, Alabama.</p> <p>8 Q. Is that an eight week course?</p> <p>9 A. It is a twelve week course.</p> <p>10 Q. Twelve week course?</p> <p>11 A. Yes, sir.</p> <p>12 Q. And what year did you attend</p> <p>13 that?</p> <p>14 A. 2010.</p> <p>15 Q. Okay. So you left the academy and</p> <p>16 you came straight to the Rainbow City Police</p> <p>17 Department, or were you working there prior</p> <p>18 to?</p> <p>19 A. Working there prior.</p> <p>20 Q. Okay. Prior to going to the</p> <p>21 academy, how long had you worked for the</p> <p>22 Rainbow City Police Department?</p> <p>23 A. Approximately a month.</p>

<p style="text-align: right;">Page 13</p> <p>1 Q. Did you have an FTO during that</p> <p>2 month period that you worked at Rainbow City</p> <p>3 Police Department?</p> <p>4 A. I did.</p> <p>5 Q. And who was that?</p> <p>6 A. I had a couple.</p> <p>7 Q. And who were they?</p> <p>8 A. John Hall and Phillip Braswell.</p> <p>9 Q. Okay.</p> <p>10 A. I'm trying to think if I had</p> <p>11 anybody else. Brian Rush.</p> <p>12 Q. Brian Rush.</p> <p>13 A. And Gerry Lyons, with a "G".</p> <p>14 Q. At the time that John Hall was your</p> <p>15 Field Training Officer, do you know what his</p> <p>16 rank was?</p> <p>17 A. Sergeant.</p> <p>18 Q. And just to short circuit this,</p> <p>19 were all of your Field Training Officers</p> <p>20 Sergeants?</p> <p>21 A. All but one.</p> <p>22 Q. Which one was not?</p> <p>23 A. Brian Rush.</p>	<p style="text-align: right;">Page 15</p> <p>1 policy?</p> <p>2 A. When I worked with both of them, I</p> <p>3 worked the night shift, so you had a lot of</p> <p>4 time probably after 12:00 o'clock at night.</p> <p>5 And we would go back to the police station</p> <p>6 and just go over the SOP.</p> <p>7 Q. Was the use of force policy at that</p> <p>8 time, prior to you going to the academy, was</p> <p>9 the use of force policy for the Rainbow City</p> <p>10 Police Department contained within the SOP?</p> <p>11 A. I'm not sure.</p> <p>12 Q. Well, you testified in response to</p> <p>13 my question about what exactly they went over</p> <p>14 related to the use of force, you said that</p> <p>15 you would go back to the station on night</p> <p>16 shift and go over the SOP.</p> <p>17 A. Right.</p> <p>18 Q. So was the use of force policy in</p> <p>19 the SOP?</p> <p>20 A. I don't remember.</p> <p>21 Q. When you went over the use of force</p> <p>22 policy with Lyons and Rush during that month</p> <p>23 period before you went to the police academy,</p>
<p style="text-align: right;">Page 14</p> <p>1 Q. What was he?</p> <p>2 A. Patrol officer.</p> <p>3 Q. So within the span of a month, you</p> <p>4 had four different FTOs. Did you have a</p> <p>5 different one every week? Is that how it</p> <p>6 worked?</p> <p>7 A. I believe so.</p> <p>8 Q. Did any of those FTOs instruct you</p> <p>9 in any way on the use of force policy for the</p> <p>10 Rainbow City Police Department?</p> <p>11 A. I believe they went over it a</p> <p>12 couple of times.</p> <p>13 Q. Which ones?</p> <p>14 A. Gerry Lyons and Brian Rush.</p> <p>15 Q. Okay. And as another housekeeping</p> <p>16 matter, anytime you need to take a break</p> <p>17 today, just let me know and we'll take a</p> <p>18 break. This is not an endurance test.</p> <p>19 A. Okay.</p> <p>20 Q. Now, you say you believe that Gerry</p> <p>21 Lyons and Brian Rush went over the use of</p> <p>22 force policy. What exactly did they go over</p> <p>23 as it relates to Rainbow City's use of force</p>	<p style="text-align: right;">Page 16</p> <p>1 did they show you papers containing the use</p> <p>2 of force policy for Rainbow City?</p> <p>3 A. I don't remember that.</p> <p>4 Q. Have you ever seen the written</p> <p>5 policy on use of force for Rainbow City</p> <p>6 Police Department?</p> <p>7 A. I have a long time ago.</p> <p>8 Q. How long ago is a long time?</p> <p>9 A. Probably when they showed me.</p> <p>10 Q. And that would have been a month</p> <p>11 before you started the police academy,</p> <p>12 correct?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Have you seen the use of force</p> <p>15 policy for Rainbow City Police Department</p> <p>16 since you have been a detective?</p> <p>17 A. No.</p> <p>18 Q. Have you seen the use of force</p> <p>19 policy for Rainbow City Police Department --</p> <p>20 strike that. Did you see the use of force</p> <p>21 policy for the Rainbow City Police Department</p> <p>22 during the time you were a patrol officer in</p> <p>23 2014?</p>

<p style="text-align: right;">Page 17</p> <p>1 A. No.</p> <p>2 Q. Did you see the use of force policy</p> <p>3 for the Rainbow City Police Department during</p> <p>4 the time you were a SRO, or School Resource</p> <p>5 Officer, in 2012 to 2014?</p> <p>6 A. No.</p> <p>7 Q. Have you seen the use of force</p> <p>8 policy for the Rainbow City Police Department</p> <p>9 since you have been out of the police academy</p> <p>10 and back at the Rainbow City Police</p> <p>11 Department?</p> <p>12 A. I believe they went over it at --</p> <p>13 well, not the Rainbow City Police Department,</p> <p>14 but just the overall at the police academy.</p> <p>15 But actually Rainbow City, no.</p> <p>16 Q. And as a police officer and as a</p> <p>17 detective and a member of the police force,</p> <p>18 do you understand that each police department</p> <p>19 has its own use of force policy?</p> <p>20 A. Yes.</p> <p>21 Q. And you understand that the use of</p> <p>22 force policy that the City of Birmingham may</p> <p>23 employ would not be the same use of force</p>	<p style="text-align: right;">Page 19</p> <p>1 would have watched when you were certified on</p> <p>2 the Taser at Rainbow City was actually a</p> <p>3 video that was produced by Taser</p> <p>4 International?</p> <p>5 A. That I'm not sure about.</p> <p>6 Q. When were you certified on the</p> <p>7 Taser by the Rainbow City Police</p> <p>8 Department?</p> <p>9 A. It was before I went to the police</p> <p>10 academy.</p> <p>11 Q. So that would have been prior to</p> <p>12 2010, right?</p> <p>13 A. That would have been, I believe, if</p> <p>14 I'm correct, that would have been December of</p> <p>15 2010.</p> <p>16 Q. Is when you went to the police</p> <p>17 academy.</p> <p>18 A. No. I went to the police academy</p> <p>19 January, I believe it was 13, 2011.</p> <p>20 Q. January 13, 2011?</p> <p>21 A. Yes, sir.</p> <p>22 Q. So you believe in December of 2010,</p> <p>23 you were certified on the Taser at the</p>
<p style="text-align: right;">Page 18</p> <p>1 policy necessarily that Rainbow City would</p> <p>2 employ.</p> <p>3 A. Correct.</p> <p>4 Q. And would you agree with me, and</p> <p>5 you may not, but isn't it true that at the</p> <p>6 academy, you got a general overview of the</p> <p>7 use of force a police officer should use?</p> <p>8 A. Correct.</p> <p>9 Q. And if you have not seen since 2010</p> <p>10 prior to going to the academy the use of</p> <p>11 force policy for the Rainbow City Police</p> <p>12 Department, have you seen the use of force</p> <p>13 policy for Taser weapons as it relates to the</p> <p>14 Rainbow City Police Department?</p> <p>15 A. Rephrase that for me, please.</p> <p>16 Q. Sure. You haven't seen the use of</p> <p>17 force policy at the Rainbow City Police</p> <p>18 Department in the six years you've worked</p> <p>19 there, correct?</p> <p>20 A. I believe I watched a video and was</p> <p>21 instructed when I was certified with the</p> <p>22 Taser at Rainbow City.</p> <p>23 Q. Isn't it true that the video you</p>	<p style="text-align: right;">Page 20</p> <p>1 Rainbow City Police Department.</p> <p>2 A. Yes.</p> <p>3 Q. And when you were certified on the</p> <p>4 Taser at the Rainbow City Police Department</p> <p>5 in December of 2010, that would have been the</p> <p>6 X-26 Taser, correct?</p> <p>7 A. The one I carry now, yes.</p> <p>8 Q. Well, is that what you carry now?</p> <p>9 A. I would have to look. I've had the</p> <p>10 same one since I started here.</p> <p>11 Q. Right. But you understand that</p> <p>12 X-26 is a model of the Taser. Do you know</p> <p>13 that?</p> <p>14 MR. HOWARD: Object to the form.</p> <p>15</p> <p>16 A. Say it one more time.</p> <p>17 Q. Do you know what the X-26 is?</p> <p>18 A. I don't know every little detail</p> <p>19 about it, but I know the one I carry.</p> <p>20 Q. Have you got your Taser today?</p> <p>21 A. Yeah.</p> <p>22 Q. Where is it at?</p> <p>23 A. It's in the car.</p>

<p style="text-align: right;">Page 21</p> <p>1 Q. Can you go get it?</p> <p>2 A. Yeah.</p> <p>3 MR. HARP: Okay. Let's go off the</p> <p>4 record so you can go get your Taser.</p> <p>5 THE WITNESS: Okay.</p> <p>6</p> <p>7 (Whereupon, a brief recess was</p> <p>8 taken.)</p> <p>9</p> <p>10 (Plaintiff's Exhibit Number 1 was</p> <p>11 marked for identification and same is</p> <p>12 attached hereto.)</p> <p>13</p> <p>14 Q. Mr. Gilliland, we're back on the</p> <p>15 record after we took a short break. I'm</p> <p>16 going to show you what I have marked as</p> <p>17 Plaintiff's Exhibit Number 1 to your</p> <p>18 deposition.</p> <p>19 And when I mark these things, I'm</p> <p>20 going to slide them across to your attorney</p> <p>21 to look at first. This is the notice of</p> <p>22 deposition for Justin Gilliland. And I will</p> <p>23 ask you to take a look at that and see if</p>	<p style="text-align: right;">Page 23</p> <p>1</p> <p>2 Q. Do you understand what I'm saying?</p> <p>3 Your attorney is going to object to some of</p> <p>4 my questions because sometimes I ask bad</p> <p>5 questions. Sometimes I don't think they are</p> <p>6 bad, but they may.</p> <p>7 So when she objects, unless she</p> <p>8 instructs you not to answer because of</p> <p>9 privilege, I'll probably say you can still</p> <p>10 answer if you understand the question.</p> <p>11 And that leads me to another rule.</p> <p>12 If you don't understand anything that I ask,</p> <p>13 just ask me to rephrase it and I will do it.</p> <p>14 Okay?</p> <p>15 A. Okay. Can you rephrase that?</p> <p>16 Q. Sure. Let me break the question</p> <p>17 down. That weapon, the X-26, can be used</p> <p>18 with prongs, correct?</p> <p>19 A. Correct.</p> <p>20 Q. That's a cartridge that has the</p> <p>21 prongs.</p> <p>22 A. Correct.</p> <p>23 Q. But there is another way that you</p>
<p style="text-align: right;">Page 22</p> <p>1 you've ever seen it before.</p> <p>2 A. (Witness reviewing document.) Yes,</p> <p>3 I have.</p> <p>4 Q. Okay. Now, before we went on</p> <p>5 break, we were talking about the Taser that</p> <p>6 you carry. And you said you needed to go get</p> <p>7 it because we were talking about the model</p> <p>8 number. Can you tell me what model number</p> <p>9 your Taser is? And can we make sure the</p> <p>10 safety is on?</p> <p>11 A. I'm going to take the front of it</p> <p>12 off so it don't shoot somebody. Okay?</p> <p>13 Q. That's fine.</p> <p>14 MR. HOWARD: That would be nice.</p> <p>15</p> <p>16 A. It looks like an X-26.</p> <p>17 Q. Okay. It's actually written right</p> <p>18 on the side of the weapon, right?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. And those weapons, the X-26</p> <p>21 model can actually be used two different</p> <p>22 ways, correct?</p> <p>23 MS. CHANDLER: Object to the form.</p>	<p style="text-align: right;">Page 24</p> <p>1 can use the X-26, and that's called a drive</p> <p>2 stun, correct?</p> <p>3 A. Correct.</p> <p>4 Q. And that's what I meant by two</p> <p>5 different ways.</p> <p>6 A. Okay.</p> <p>7 Q. Now, have you ever fired your X-26</p> <p>8 at an individual?</p> <p>9 A. For training.</p> <p>10 Q. For training. And when was that?</p> <p>11 Would that have been at the academy?</p> <p>12 A. No. That was after I got out of</p> <p>13 the academy. We hired a new police officer,</p> <p>14 and he wasn't Taser certified. So we all</p> <p>15 have to get shot with the Taser before we can</p> <p>16 carry one, so I was told to Tase him to</p> <p>17 certify him.</p> <p>18 Q. And who instructed you to Tase that</p> <p>19 officer?</p> <p>20 A. Chase Jenkins.</p> <p>21 Q. And who is Chase Jenkins?</p> <p>22 A. A former Captain at the Rainbow</p> <p>23 City Police Department.</p>

<p style="text-align: right;">Page 25</p> <p>1 Q. Do you know why he is a former 2 Captain at the Rainbow City Police 3 Department? 4 A. Speculations. I only know rumors. 5 Q. Do you know whether or not Chase 6 Jenkins was arrested? 7 A. Yes, he was. I believe so. 8 Q. Do you know why he was arrested? 9 A. I just read it on the website, on 10 the Etowah County jail website, that it was 11 for sodomy. 12 Q. When is the last time you have 13 spoken with Chase Jenkins? 14 A. Possibly three months ago. 15 Q. Is that when Chase Jenkins was 16 still employed by the Rainbow City Police 17 Department? 18 A. No. 19 Q. So you spoke to Chase Jenkins after 20 he had been terminated from the Rainbow City 21 Police Department? 22 A. Yes. 23 Q. Have you ever spoken to Chase</p>	<p style="text-align: right;">Page 27</p> <p>1 about the young female being Tased? 2 A. He did not work the concert. I 3 believe Monday morning when I came in, he 4 asked me, were you down there working when 5 all that happened. And I said, yes. And 6 that's all I believe I said to him. 7 Q. Now, I want to make sure I'm clear. 8 You read an article on the Gadsden Times 9 website. And then the following Monday is 10 when Chase Jenkins asked you about that? 11 A. He asked me about that on Monday. 12 Q. The Monday after the incident. 13 A. The Monday after the incident. 14 Q. After the concert. 15 A. He said, were you down there. And 16 I said, yes, I was. And I believe it was to 17 the point of, yeah, man, that was crazy down 18 there, all that. 19 Q. But you had not read an article on 20 the Gadsden Times about the -- 21 A. Correct. Let me go back. 22 Q. Okay. 23 A. When all the stuff started coming</p>
<p style="text-align: right;">Page 26</p> <p>1 Jenkins concerning the events that led to 2 this lawsuit? 3 A. Not in detail. 4 Q. When you say not in detail, tell me 5 what you have spoken with Chase Jenkins about 6 this lawsuit. 7 A. Things we have read on the Gadsden 8 Times. 9 Q. What sort of things did you read on 10 the Gadsden Times that you spoke to Chase 11 Jenkins about? 12 A. A younger female was Tased at 13 Center Stage during a concert. 14 Q. When you read that article on it, 15 was it a news article? 16 A. It was. 17 Q. You read it on the website? 18 A. Yes. 19 Q. Was Chase Jenkins sitting there 20 with you when you read that news article? 21 A. No. 22 Q. Well, how is it that you came to 23 speak to Chase Jenkins about the news article</p>	<p style="text-align: right;">Page 28</p> <p>1 out in the newspaper. 2 Q. You mean after the lawsuit was 3 filed? 4 A. I'm not sure. When it all came out 5 in the newspaper, I believe I was passing him 6 through the detective division at Rainbow 7 City. And I think I said something like, 8 have you seen all the stuff in the paper 9 going on about what happened. And I think he 10 said, yeah, man, it's crazy. 11 Q. Were those his words? 12 A. I don't really know. I think it 13 was something to that effect, like it was 14 wild down there, it was crazy down there that 15 night. 16 Q. But he would not have known that 17 personally, right, because he didn't work the 18 concert, correct? 19 A. He must have known it from someone. 20 He didn't get it from me. 21 Q. Other than the one time that you 22 Tased the new hire at the Rainbow City Police 23 Department, have you ever used your Taser?</p>

<p style="text-align: right;">Page 29</p> <p>1 A. Never.</p> <p>2 Q. Never?</p> <p>3 A. Never.</p> <p>4 Q. How often do you have to be</p> <p>5 certified on the use of that Taser that you</p> <p>6 carry?</p> <p>7 A. I believe just once.</p> <p>8 Q. And where do you get that belief</p> <p>9 from, that you only have to be certified</p> <p>10 once?</p> <p>11 A. Well, nobody has told me I had to</p> <p>12 go to retraining for it.</p> <p>13 Q. So you've never been instructed by</p> <p>14 anyone at the Rainbow City Police Department</p> <p>15 to be retrained on the use of the Taser?</p> <p>16 A. No, sir.</p> <p>17 Q. Do you know who the primary Taser</p> <p>18 instructor is for the Rainbow City police</p> <p>19 Department?</p> <p>20 A. When I was trained and certified, I</p> <p>21 was certified by Chase Jenkins.</p> <p>22 Q. Do you know who assumed that role</p> <p>23 after Mr. Jenkins was terminated? And that</p>	<p style="text-align: right;">Page 31</p> <p>1</p> <p>2 Q. It was compound. And that's a well</p> <p>3 stated objection. Let me ask you the</p> <p>4 question again. Who is the Chief of Police</p> <p>5 for the Rainbow City Police Department?</p> <p>6 A. Right now?</p> <p>7 Q. Sure.</p> <p>8 A. You got me.</p> <p>9 Q. You don't know, do you?</p> <p>10 A. Jonathan Horton.</p> <p>11 Q. Are you sure?</p> <p>12 A. No.</p> <p>13 Q. As a detective in the Rainbow City</p> <p>14 Police Department, who is your next immediate</p> <p>15 supervisor?</p> <p>16 A. Right now as we speak, Jonathan</p> <p>17 Horton.</p> <p>18 Q. And what is his title?</p> <p>19 A. Deputy Chief, I believe.</p> <p>20 Q. You believe he's a Deputy Chief?</p> <p>21 A. I believe.</p> <p>22 Q. And you are familiar with the ranks</p> <p>23 within the Rainbow City Police Department,</p>
<p style="text-align: right;">Page 30</p> <p>1 role being the instructor for Tasers.</p> <p>2 A. I'm not sure.</p> <p>3 Q. Can you tell me what the Rainbow</p> <p>4 City Police Department's use of force policy</p> <p>5 is as it relates to the X-26 Taser?</p> <p>6 MR. HOWARD: Object to the form.</p> <p>7</p> <p>8 A. No.</p> <p>9 Q. And why not?</p> <p>10 A. I haven't studied up on it in a</p> <p>11 while.</p> <p>12 Q. Were you ever mandated -- strike</p> <p>13 that. Let me start over. In the six years</p> <p>14 that you have been a police officer at the</p> <p>15 Rainbow City Police Department, has the Chief</p> <p>16 of Police ever mandated you to attend a class</p> <p>17 on the use of force as it relates to the</p> <p>18 Rainbow City Police Department's policy on</p> <p>19 Tasers?</p> <p>20 MR. HOWARD: Object to the form.</p> <p>21</p> <p>22 Q. You can still answer.</p> <p>23 MR. HOWARD: And compound too.</p>	<p style="text-align: right;">Page 32</p> <p>1 correct?</p> <p>2 A. Yes, sir.</p> <p>3 Q. Would patrol officer be the low man</p> <p>4 on the totem pole?</p> <p>5 A. Correct.</p> <p>6 Q. And then next, you would have</p> <p>7 Sergeant?</p> <p>8 A. Correct.</p> <p>9 Q. And then you would have detective,</p> <p>10 or would you have Captain?</p> <p>11 A. We would have -- it goes like</p> <p>12 this.</p> <p>13 Q. Okay. Go ahead.</p> <p>14 A. Patrol, Sergeant, Lieutenant,</p> <p>15 Captain. And we just now received a Deputy</p> <p>16 Chief. As long as I've been there, we've</p> <p>17 never had a Deputy Chief. Some things have</p> <p>18 went on in the past week, weeks, before this</p> <p>19 to where that I have no knowledge about,</p> <p>20 about who the Chief at Rainbow City is. I</p> <p>21 just answer to the next person that I'm</p> <p>22 supposed to answer to.</p> <p>23 Q. And who is that?</p>

<p style="text-align: right;">Page 33</p> <p>1 A. Jonathan Horton.</p> <p>2 Q. Who does he answer to? Jonathan</p> <p>3 Horton.</p> <p>4 A. I have no idea.</p> <p>5 Q. Have you guys had any meetings</p> <p>6 about the hierarchy at the Rainbow City</p> <p>7 Police Department?</p> <p>8 A. Not that I have been involved in.</p> <p>9 Q. Okay. Now, the X-26 Taser that you</p> <p>10 have, you said you've never had to use it in</p> <p>11 the line of duty, correct?</p> <p>12 A. I have drawn it, but never used</p> <p>13 it.</p> <p>14 Q. How many times have you drawn it?</p> <p>15 A. If I'm making a guess --</p> <p>16 Q. That's Greg's rule number five,</p> <p>17 don't guess.</p> <p>18 A. Okay. I have no idea.</p> <p>19 Q. More than once?</p> <p>20 A. Yes.</p> <p>21 Q. More than twice?</p> <p>22 A. Yes.</p> <p>23 Q. More than five times?</p>	<p style="text-align: right;">Page 35</p> <p>1 weapon not having known the use of force</p> <p>2 policy for the Rainbow City Police Department</p> <p>3 as it relates to a Taser, correct?</p> <p>4 MS. CHANDLER: Object to the form.</p> <p>5</p> <p>6 Q. You can answer.</p> <p>7 A. I've drawn it with an overall</p> <p>8 remembrance of certification. Let's just say</p> <p>9 that.</p> <p>10 Q. Certification by whom?</p> <p>11 A. Chase Jenkins.</p> <p>12 Q. And that happened?</p> <p>13 A. 2010.</p> <p>14 Q. 2010. So in the thirty to forty</p> <p>15 times that you've drawn the X-26 in the line</p> <p>16 of duty, you have drawn it with an overall</p> <p>17 remembrance of the use of force policy as it</p> <p>18 relates to a Taser in the Rainbow City Police</p> <p>19 Department that you were taught in 2010. Yes</p> <p>20 or no?</p> <p>21 MS. CHANDLER: Object to the form.</p> <p>22</p> <p>23 Q. You can answer.</p>
<p style="text-align: right;">Page 34</p> <p>1 A. Yes.</p> <p>2 Q. More than six times?</p> <p>3 A. Yes.</p> <p>4 Q. More than ten times?</p> <p>5 A. Yes.</p> <p>6 Q. We'll start going in multiples of</p> <p>7 five. More than fifteen times?</p> <p>8 A. Yes.</p> <p>9 Q. More than twenty times?</p> <p>10 A. Yes.</p> <p>11 Q. More than twenty-five times?</p> <p>12 A. Yes.</p> <p>13 Q. More than thirty times?</p> <p>14 A. Yes.</p> <p>15 Q. Let's start tens. More than forty</p> <p>16 times?</p> <p>17 A. I'm not sure.</p> <p>18 Q. Okay. So somewhere between thirty</p> <p>19 and forty times, you've drawn that X-26 in</p> <p>20 the line of duty; is that correct?</p> <p>21 A. Correct.</p> <p>22 Q. And in those thirty to forty times</p> <p>23 that you've drawn the X-26, you've drawn that</p>	<p style="text-align: right;">Page 36</p> <p>1 MR. HOWARD: Object to the form.</p> <p>2</p> <p>3 Q. You can still answer.</p> <p>4 A. Correct.</p> <p>5 Q. When you were issued the X-26 Taser</p> <p>6 by the Rainbow City Police Department, did</p> <p>7 you receive an instruction booklet with it?</p> <p>8 A. I don't believe so.</p> <p>9 Q. Do you know whether or not Taser</p> <p>10 International requires that police</p> <p>11 departments issue instruction booklets to any</p> <p>12 law enforcement officer that is issued the</p> <p>13 X-26?</p> <p>14 A. I do not.</p> <p>15 Q. When you were certified on the X-26</p> <p>16 Taser, do you recall whether or not you</p> <p>17 received a booklet at that time?</p> <p>18 A. Say that again.</p> <p>19 Q. Sure. Let me ask it this way.</p> <p>20 Have you ever seen an instruction manual for</p> <p>21 the X-26 Taser?</p> <p>22 A. I don't believe so.</p> <p>23 Q. When the use of force policy as it</p>

<p style="text-align: right;">Page 37</p> <p>1 relates to Taser use in the Rainbow City 2 Police Department was taught to you in 2010, 3 did you receive any instruction material from 4 Chase Jenkins at that time? 5 A. Just the video, I believe. 6 Q. Just the video? 7 A. Just the video. 8 Q. No paper copy? 9 A. Now that I think back about it, I 10 believe there was a small book. It was a 11 binder, I believe. A binder. 12 Q. Was it blue? 13 A. I don't recall. It was a binder 14 though. 15 Q. Do you still have that binder? 16 A. Possibly. 17 Q. Where would it be located? 18 A. Home. 19 Q. When is the last time you reviewed 20 that binder that you possibly received and 21 possibly have? 22 A. The day I received it. 23 Q. Which would have been sometime in</p>	<p style="text-align: right;">Page 39</p> <p>1 things such as structure included in the 2 manual? 3 A. Like rank, yes. 4 Q. And currently that would be 5 somewhat influx because we don't know whether 6 or not there is a Chief of Police at Rainbow 7 City right now, right? 8 MR. HOWARD: Object to the form. 9 10 Q. You can answer. 11 A. Correct. 12 Q. So that would be outdated material 13 in the SOP manual. 14 A. Let me say this. I don't know if 15 it's outdated material. There is people 16 above me that don't tell me things of what's 17 going on. So the Chief situation right now, 18 there may be an answer to it. I just don't 19 know. 20 Q. You just don't know. 21 A. I just don't know. 22 Q. So the people above you that don't 23 necessarily tell you things, would those be</p>
<p style="text-align: right;">Page 38</p> <p>1 2010. 2 A. Correct. 3 Q. Probably around December. 4 A. Correct. 5 Q. 2010. 6 A. Correct. 7 Q. When is the last time that you've 8 reviewed the SOP manual at the Rainbow City 9 Police Department? 10 A. Off and on just flipping through it 11 every now and then. 12 Q. Every now and then? 13 A. Yes. 14 Q. When you have reviewed the SOP 15 manual -- and that's the SOP manual for the 16 Rainbow City Police Department, just flipping 17 through it, do you recall seeing anything on 18 use of force in that manual? 19 A. The times that I've looked at it, 20 it's not been for that. I believe it's been 21 for structure, rank, pay, those kind of 22 things. 23 Q. So within the SOP manual, are</p>	<p style="text-align: right;">Page 40</p> <p>1 your higher ranking personnel? 2 A. Correct. 3 Q. Such as Captains? 4 A. We don't have one right now, but 5 that would be right. 6 Q. Have you gone to Jonathan Horton 7 within the last two weeks and asked who the 8 Chief of Police is? 9 A. No. It's not my business. 10 Q. Well, you are an employee of the 11 Rainbow City Police Department, right? 12 A. I come to work, work cases and go 13 home. 14 Q. Did you know Chief Carroll? 15 A. Before? 16 Q. When he was Chief Carroll. 17 A. I knew him as Chief Carroll. 18 Q. Okay. And did you have any 19 conversations with Chief Carroll about your 20 work? 21 MS. CHANDLER: Object to the form. 22 23 Q. You can answer.</p>

<p style="text-align: right;">Page 41</p> <p>1 A. Like what kind of work?</p> <p>2 Q. Your detective work.</p> <p>3 A. Absolutely. He was a former</p> <p>4 detective.</p> <p>5 Q. Chief Carroll was a former</p> <p>6 detective.</p> <p>7 A. Right.</p> <p>8 Q. Did you have any conversations with</p> <p>9 Chief Carroll about the events that occurred</p> <p>10 on January 16, 2015 at Center Stage?</p> <p>11 A. Chief Carroll was working that</p> <p>12 night down there, but outside of work, I've</p> <p>13 never spoke with him about this. I have</p> <p>14 talked to him before, not in detail, about</p> <p>15 getting camera footage for him off of</p> <p>16 everybody's body cam. And that's the only</p> <p>17 thing I've talked to him about.</p> <p>18 Q. Now, why was Chief Carroll talking</p> <p>19 to you about getting camera footage off of</p> <p>20 everybody's cameras?</p> <p>21 A. I'm not the IT guy at Rainbow City,</p> <p>22 but I know a little bit about computers. And</p> <p>23 we used to have an IT guy for the Rainbow</p>	<p style="text-align: right;">Page 43</p> <p>1 A. I believe I asked around.</p> <p>2 Q. Did anyone volunteer that they were</p> <p>3 wearing cameras that night?</p> <p>4 MR. HOWARD: Object to the form.</p> <p>5</p> <p>6 Q. Did anyone volunteer to you that</p> <p>7 they had body cameras on that night?</p> <p>8 A. Like just come up and say hey, I</p> <p>9 had a camera on that night?</p> <p>10 Q. No. You said you asked around,</p> <p>11 right?</p> <p>12 A. Yes.</p> <p>13 Q. When you asked, did anyone say</p> <p>14 yeah, I was wearing a camera that night?</p> <p>15 A. Yes.</p> <p>16 Q. Who?</p> <p>17 A. I believe Gary Morgan. I'm not</p> <p>18 certain, but I believe George Morris. And</p> <p>19 that's all I remember asking.</p> <p>20 Q. Do you recall asking John Bryant</p> <p>21 whether or not he was wearing a body camera</p> <p>22 that night?</p> <p>23 A. I can't remember.</p>
<p style="text-align: right;">Page 42</p> <p>1 City Police Department. When he left, it</p> <p>2 kind of got handed down to me. I wasn't</p> <p>3 certified. But it's basically just uploading</p> <p>4 and downloading stuff and saving it to a</p> <p>5 file.</p> <p>6 Q. When you had the conversation with</p> <p>7 Chief Carroll about downloading body cam</p> <p>8 footage -- and when I say body cam, I'm</p> <p>9 referring to the cameras that officers wear</p> <p>10 on their chest. Okay?</p> <p>11 A. Yes.</p> <p>12 Q. When you had the conversation about</p> <p>13 downloading body cam footage with Chief</p> <p>14 Carroll, what did he ask for exactly?</p> <p>15 A. I believe he just came up to me in</p> <p>16 my office one day, and he said, hey, I need</p> <p>17 all the video from all of the people who was</p> <p>18 wearing body cams down there that night.</p> <p>19 Q. Did he give you a list of people</p> <p>20 who were wearing body cameras?</p> <p>21 A. No.</p> <p>22 Q. How did you know who all were</p> <p>23 wearing body cameras that night?</p>	<p style="text-align: right;">Page 44</p> <p>1 Q. Did you obtain any footage from</p> <p>2 Gary Morgan's body camera?</p> <p>3 A. I can't remember.</p> <p>4 Q. Did you obtain any footage from</p> <p>5 George Morris' body camera?</p> <p>6 A. I can't remember specifically his.</p> <p>7 Q. Did you obtain any footage at</p> <p>8 all?</p> <p>9 A. Yes, I did.</p> <p>10 Q. And who did you obtain that footage</p> <p>11 from?</p> <p>12 A. A long time ago, but I believe I</p> <p>13 wrote down who may have been working that</p> <p>14 night. And then I went into the system and</p> <p>15 downloaded their videos. I can't remember</p> <p>16 specifically doing one person each time, but</p> <p>17 I just remember I --</p> <p>18 Q. What is the name of the system that</p> <p>19 you went into to download the body cam</p> <p>20 footage?</p> <p>21 A. I believe it's called -- it's</p> <p>22 either Taser or Axon.</p> <p>23 Q. A-x-i-o-n?</p>

<p style="text-align: right;">Page 45</p> <p>1 A. A-x-o-n, I believe.</p> <p>2 Q. Okay. So you think that Taser --</p> <p>3 A. Wait a minute. I do remember now.</p> <p>4 I think it's a website that we use. And it's</p> <p>5 called evidence dot com.</p> <p>6 Q. Evidence dot com. And you've been</p> <p>7 to that website, correct?</p> <p>8 A. Correct.</p> <p>9 Q. And that website, does it require</p> <p>10 log-in credentials?</p> <p>11 A. Correct.</p> <p>12 Q. And when you log in to that</p> <p>13 website, you are able to access footage?</p> <p>14 A. Other officers are allowed to</p> <p>15 access their footage. Myself and two other</p> <p>16 people are administrators.</p> <p>17 Q. And so as an administrator, you can</p> <p>18 access anyone's footage, correct?</p> <p>19 A. Correct.</p> <p>20 Q. You have kind of a super user</p> <p>21 authority, right?</p> <p>22 A. Correct.</p> <p>23 Q. Who are the other administrators</p>	<p style="text-align: right;">Page 47</p> <p>1 Q. When you logged on to evidence dot</p> <p>2 com, did you download any footage?</p> <p>3 A. Yes.</p> <p>4 Q. And when you downloaded that</p> <p>5 footage, did you download the complete</p> <p>6 footage for that certain officer for the</p> <p>7 night of January 16, 2015?</p> <p>8 A. Correct. It doesn't let you -- as</p> <p>9 far as I know, it doesn't let you like record</p> <p>10 like what you want.</p> <p>11 Q. So you can't just download, say, a</p> <p>12 three minute clip.</p> <p>13 A. Like if the video is five minutes,</p> <p>14 you can't download like two minutes and fifty</p> <p>15 seconds and leave the rest. You have to</p> <p>16 download the whole video.</p> <p>17 Q. Okay. Do you recall how long the</p> <p>18 videos were that you downloaded?</p> <p>19 A. I do not.</p> <p>20 Q. Would they have been more than two</p> <p>21 minutes?</p> <p>22 A. Everybody should have, yes.</p> <p>23 Q. Now, you worked as a patrol officer</p>
<p style="text-align: right;">Page 46</p> <p>1 for that website?</p> <p>2 A. Detective Camp Yancey.</p> <p>3 Q. Camp Yancey?</p> <p>4 A. Yes, Y-a-n-c-e-y.</p> <p>5 Q. Camp Yancey is a detective now?</p> <p>6 A. Yes.</p> <p>7 Q. When did Camp Yancey become a</p> <p>8 detective for the Rainbow City Police</p> <p>9 Department?</p> <p>10 A. I believe six months ago.</p> <p>11 Q. How long has Camp Yancey been</p> <p>12 employed by the Rainbow City Police</p> <p>13 Department?</p> <p>14 A. I'm not sure. We talk on and off,</p> <p>15 and I believe he said he's getting close to</p> <p>16 five years.</p> <p>17 Q. Okay. And who is the other</p> <p>18 administrator?</p> <p>19 A. George Morris.</p> <p>20 Q. Okay. So you went on to evidence</p> <p>21 dot com at the request of Chief Carroll to</p> <p>22 download video footage, correct?</p> <p>23 A. Correct.</p>	<p style="text-align: right;">Page 48</p> <p>1 in 2014? Is that when you went back to</p> <p>2 patrol?</p> <p>3 A. Yes, sir.</p> <p>4 Q. Now, by 2014, you would have been</p> <p>5 issued a body cam as a patrol officer,</p> <p>6 right?</p> <p>7 A. I believe at the time that I went</p> <p>8 back to patrol out of the school, we did not</p> <p>9 have the body cams that we have now.</p> <p>10 Q. Okay. I'm not talking about when</p> <p>11 you came out of the academy.</p> <p>12 A. Out of the school.</p> <p>13 Q. You meant the school resource</p> <p>14 officer.</p> <p>15 A. Right. Out of the middle school.</p> <p>16 Q. So do you have a body camera now?</p> <p>17 A. Yes.</p> <p>18 Q. What kind of body camera do you</p> <p>19 have now?</p> <p>20 A. Axon body cam.</p> <p>21 Q. Did you buy that body cam, or were</p> <p>22 you issued that by the Rainbow City Police</p> <p>23 Department?</p>

<p style="text-align: right;">Page 49</p> <p>1 A. I was issued that.</p> <p>2 Q. Is that the same model of body cam</p> <p>3 that all Rainbow City Police Department</p> <p>4 officers are issued?</p> <p>5 MS. CHANDLER: Object to the form.</p> <p>6</p> <p>7 Q. You can answer.</p> <p>8 A. As far as I know.</p> <p>9 Q. And that camera works when you have</p> <p>10 it clipped to your chest, and it works by you</p> <p>11 tapping a button, correct?</p> <p>12 A. You have to turn it on. When you</p> <p>13 turn it on, you wait for a green blinking</p> <p>14 light. And then you double tap twice to</p> <p>15 actually start recording.</p> <p>16 Q. Okay. Did you ever have a</p> <p>17 conversation with George Morris about</p> <p>18 downloading video footage from the night of</p> <p>19 January 16, 2015?</p> <p>20 A. The only conversation I've had with</p> <p>21 George about downloading video is George</p> <p>22 contacted me I believe it was about two or</p> <p>23 three weeks ago and said hey, you need to</p>	<p style="text-align: right;">Page 51</p> <p>1 possible to delete video.</p> <p>2 A. Yes, you can.</p> <p>3 Q. Can you edit video on evidence dot</p> <p>4 com if you are an administrator?</p> <p>5 A. I have no idea.</p> <p>6 Q. Have you had any conversations with</p> <p>7 Detective Camp Yancey about video footage</p> <p>8 from the night of January 16, 2015?</p> <p>9 A. No.</p> <p>10 Q. So does Camp Yancey have</p> <p>11 administrative rights because he's a</p> <p>12 detective?</p> <p>13 A. Yes.</p> <p>14 Q. Do you know why George Morris would</p> <p>15 have administrative rights to evidence dot</p> <p>16 com?</p> <p>17 A. George Morris came to me about two</p> <p>18 months ago and said Chief Carroll had taken</p> <p>19 some sick time off. And I believe Chief</p> <p>20 Carroll, while he was the Chief, placed</p> <p>21 George Morris in charge of the police</p> <p>22 department while he was out on sickness.</p> <p>23 Q. I just want to make sure I have</p>
<p style="text-align: right;">Page 50</p> <p>1 call my attorney. He needs the video.</p> <p>2 I don't think they could get ahold</p> <p>3 of me. I was out of the office. I took a</p> <p>4 vacation. And then I got really busy one</p> <p>5 week. But he said, you need to contact my</p> <p>6 lawyer. I think he's wanting some video from</p> <p>7 the Center Stage incident. And I said, okay.</p> <p>8 Q. And did you do that?</p> <p>9 A. No.</p> <p>10 Q. May I ask you why not?</p> <p>11 A. I was busy.</p> <p>12 Q. How long does that video remain on</p> <p>13 evidence dot com after it's uploaded?</p> <p>14 A. I'm not sure.</p> <p>15 Q. Are you allowed to delete video</p> <p>16 from evidence dot com if you have</p> <p>17 administrative rights?</p> <p>18 A. Yes. Never have.</p> <p>19 Q. No. I'm not accusing you --</p> <p>20 A. Okay. Yes, yes.</p> <p>21 Q. No, absolutely not.</p> <p>22 A. Yes. Yes, you can.</p> <p>23 Q. I'm just asking you if it's</p>	<p style="text-align: right;">Page 52</p> <p>1 that right. You said Chief Carroll took some</p> <p>2 sick time about two months ago?</p> <p>3 A. I'm not sure of the time, but I do</p> <p>4 remember that Chief Carroll took some sick</p> <p>5 time. And just around from other officers, I</p> <p>6 believe I asked someone one day -- I believe</p> <p>7 it was Camp Yancey -- who is in charge? And</p> <p>8 he said Lieutenant George Morris.</p> <p>9 George Morris came up to me. I</p> <p>10 couldn't tell you when. It was probably a</p> <p>11 month, two months ago. And he said, can you</p> <p>12 make me an administrator on the computer.</p> <p>13 And he actually told me why. He said, with</p> <p>14 the Chief gone, there was a lady who had</p> <p>15 called and complained about a ticket, about</p> <p>16 one of the officers.</p> <p>17 Lieutenant Morris was in charge.</p> <p>18 So he wanted to look at the video and see the</p> <p>19 complaint that the woman had made on a</p> <p>20 traffic stop. So he needed to get in and</p> <p>21 look at the video. And I took orders from</p> <p>22 him. Basically he said, hey, I need to be</p> <p>23 made an administrator. And with him being a</p>

<p style="text-align: right;">Page 53</p> <p>1 Lieutenant, I made him an administrator. 2 Q. You did what you were told because 3 he was the higher ranking officer. 4 A. Right. Correct. 5 Q. But isn't it true that had 6 Lieutenant Morris just asked you for the 7 video, you would have given him that video? 8 A. Correct. 9 Q. So it was not necessary for 10 Lieutenant Morris to be made an administrator 11 for evidence dot com to get that video he 12 wanted, right? 13 MR. HOWARD: Object to the form. 14 MS. CHANDLER: Object to the form. 15 16 Q. You can answer. 17 A. I could have gotten it for him. 18 Q. Now, you said this happened two 19 months ago? 20 A. I'm not sure on the time. It might 21 have been a month ago. 22 Q. Was it before or after George 23 Morris came to you and told you he needed</p>	<p style="text-align: right;">Page 55</p> <p>1 Carroll went on sick leave? 2 A. I believe that was while Chief 3 Carroll was on sick leave. 4 Q. But you said he had been coming to 5 you saying make me an administrator. 6 A. Yes. 7 Q. All right. Let me show you what 8 I'm going to mark as Plaintiff's Exhibit 9 Number 2 to your deposition. And by way of 10 further identification, it's titled first 11 amended complaint in this lawsuit filed 12 September 10th, 2015. Take a look at that 13 and let me know when you're ready and we'll 14 visit about it. 15 16 (Plaintiff's Exhibit Number 2 was 17 marked for identification and same is 18 attached hereto.) 19 20 A. (Witness reviewing document.) 21 Okay. 22 Q. Have you seen a copy of this 23 document prior to today?</p>
<p style="text-align: right;">Page 54</p> <p>1 video to get to his lawyer? 2 A. It was before. 3 Q. So you made him administrator 4 before he came to you and said I need you to 5 get video for my lawyer? 6 A. Yes. 7 Q. But at the point he came to you to 8 say I need you to get video for my lawyer, he 9 could have gotten that video himself, 10 right? 11 A. I know what happened. He had been 12 asking me, hey, make me an administrator, 13 make me an administrator, make me an 14 administrator. And I had put it off because 15 I stayed busy. One day I'm down there by his 16 office. And he says hey, can you make me an 17 administrator right now. And I said yes. 18 So I went in his office and 19 actually made him an administrator in his 20 office. And there I witnessed him watch the 21 video that he was talking about that the lady 22 had complained of on the patrol video. 23 Q. Okay. So was that before Chief</p>	<p style="text-align: right;">Page 56</p> <p>1 A. I believe so. 2 Q. Okay. Do you know how many volts 3 of electricity that X-26 Taser produces when 4 it's used? 5 A. No idea. 6 Q. Were you taught that in your class 7 by Chase Jenkins? 8 A. I can't remember. 9 Q. So if you were to employ that Taser 10 weapon, you have no idea how many volts of 11 electricity would come out at the end of that 12 Taser? 13 A. Not at all. 14 Q. Did you observe George Morris use a 15 Taser at Center Stage on the night of January 16 16, 2015? 17 A. Yes, I did. 18 Q. On whom did you observe George 19 Morris use a Taser on the night of January 20 16, 2015? 21 A. T.H. 22 Q. When you observed George Morris use 23 a Taser on T.H. on the night of January 16,</p>

<p style="text-align: right;">Page 57</p> <p>1 2015, were there any other Rainbow City 2 police officers present? 3 MS. CHANDLER: Object to the form. 4 5 Q. You can answer. 6 A. Yes, there was. 7 Q. Who were those officers? 8 A. I'm not completely sure. 9 Q. Well, tell me the ones you do know 10 of. 11 A. Jimmy Fazekas. I know there were 12 other officers around. I don't know who. I 13 can't remember. 14 Q. Was Chief Carroll around? 15 A. I don't remember him being 16 around -- now, what incident are we talking 17 about? When George Morris Tased T.H.? 18 Q. Yes. 19 A. I don't remember seeing him around 20 the room. 21 Q. That's fair. And I'll represent to 22 you that Chief Carroll testified he doesn't 23 remember seeing you near T.H. when George</p>	<p style="text-align: right;">Page 59</p> <p>1 Q. She had actually been a student in 2 the schools in which you were a School 3 Resource Officer, correct? 4 A. Correct. 5 Q. Were you aware that T.H. suffered 6 from a medical condition of grand-mal 7 seizures prior to that night of January 16, 8 2015? 9 A. Not at all. 10 Q. On the night of January 16, 2015, 11 were you made aware that T.H. was suffering 12 from seizures? 13 A. Yes. 14 Q. And how were you made aware on the 15 night of January 16, 2015 that T.H. was 16 suffering from seizures? 17 A. I believe when she was being rolled 18 out by the medics, someone yelled she has 19 seizure problems. 20 Q. Were you aware that T.H. was 21 suffering from seizures before George Morris 22 Tased T.H.? 23 A. No, sir.</p>
<p style="text-align: right;">Page 58</p> <p>1 Morris Tased her. But you are certain that 2 you saw George Morris use a Taser on T.H., 3 correct? 4 A. Correct. 5 Q. Did you see him use it more than 6 once? 7 A. Yes, I did. 8 Q. How many times did you see George 9 Morris Tase T.H.? 10 A. Twice. 11 Q. Did he use the drive stun method, 12 or did he use the prongs? 13 A. The drive stun. 14 Q. Do you have any independent 15 knowledge as to which produces a stronger 16 jolt, the drive stun or the prongs? 17 A. I have no idea. 18 Q. You don't? 19 A. I have no idea. 20 Q. Did you know T.H. before the night 21 of -- strike that. Did you know of T.H. 22 prior to January 16, 2015? 23 A. Yes, I did.</p>	<p style="text-align: right;">Page 60</p> <p>1 Q. Are you sure? 2 A. I'm positive. 3 MS. CHANDLER: Can we take a quick 4 bathroom break? 5 MR. HARP: Sure. That's fine. 6 MS. CHANDLER: I'm sorry. We can 7 wait for a good stopping point. 8 MR. HARP: No. That's a good 9 stopping point right there. 10 11 (Whereupon, a brief recess was 12 taken.) 13 14 Q. All right. We are back on the 15 record after a short break, Mr. Gilliland. 16 Now, before we went on break, I was asking 17 you about the night of January 16, 2015 and 18 whether or not anyone had told you prior to 19 you seeing George Morris Tase T.H. the first 20 time that she was suffering from a medical 21 emergency. And you told me that you were not 22 aware of that; is that right? 23 MS. CHANDLER: Object to the form.</p>

<p style="text-align: right;">Page 61</p> <p>1</p> <p>2 Q. You can answer.</p> <p>3 A. I'm not understanding what you're</p> <p>4 saying.</p> <p>5 Q. Sure. Prior to you observing</p> <p>6 George Morris Taser T.H., did anyone at</p> <p>7 Center Stage tell you that T.H. was suffering</p> <p>8 from seizures?</p> <p>9 A. I'm just going to ask. I'm asking</p> <p>10 how you're asking this question. Are you</p> <p>11 asking me was I aware that she had a medical</p> <p>12 condition?</p> <p>13 Q. Do you consider a seizure a medical</p> <p>14 condition?</p> <p>15 A. Yes. If you have them all the</p> <p>16 time, yes.</p> <p>17 Q. Okay. Well, let's assume that</p> <p>18 that's what I'm asking you. No, that is what</p> <p>19 I'm asking. Had anyone told you that T.H.</p> <p>20 was having a medical condition prior to you</p> <p>21 seeing George Morris Taser T.H.?</p> <p>22 A. Someone in the crowd told me there</p> <p>23 was someone having a seizure, but I did not</p>	<p style="text-align: right;">Page 63</p> <p>1 Tased?</p> <p>2 A. You can say Tased. That's what I</p> <p>3 say.</p> <p>4 Q. Okay. At any point before George</p> <p>5 Morris Tased T.H. for the first time, did you</p> <p>6 tell George Morris that she was having a</p> <p>7 seizure?</p> <p>8 MS. CHANDLER: Object to the form.</p> <p>9</p> <p>10 A. I don't remember.</p> <p>11 Q. You don't remember?</p> <p>12 A. I don't remember.</p> <p>13 Q. Do you remember ever informing</p> <p>14 George Morris that you had learned that</p> <p>15 someone was having a seizure and it may be</p> <p>16 T.H.?</p> <p>17 A. I don't remember.</p> <p>18 Q. At any point before George Morris</p> <p>19 Tased T.H., did you believe T.H. was having a</p> <p>20 seizure?</p> <p>21 A. Yes.</p> <p>22 Q. So before you saw George Morris</p> <p>23 Tase T.H. the first time, you believed she</p>
<p style="text-align: right;">Page 62</p> <p>1 know if she had a medical condition or a</p> <p>2 medical history of seizures.</p> <p>3 Q. Is there a distinction in your mind</p> <p>4 between having a seizure one time versus</p> <p>5 having them, as you say, all the time?</p> <p>6 A. You go to a ball game and you get</p> <p>7 hit in the head with a baseball and you have</p> <p>8 a seizure, I mean, you don't have a medical</p> <p>9 condition. I mean, you got hit in the head</p> <p>10 with a baseball. You know what I'm saying?</p> <p>11 Q. I think so. Do you think it's a</p> <p>12 good idea to Tase someone that's having a</p> <p>13 seizure?</p> <p>14 MR. HOWARD: Object to the form.</p> <p>15</p> <p>16 Q. You can answer.</p> <p>17 A. Absolutely not.</p> <p>18 Q. You said that someone in the crowd</p> <p>19 said that someone was having a seizure,</p> <p>20 right?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. And at any point before</p> <p>23 George Morris Tased -- is it Tasered or</p>	<p style="text-align: right;">Page 64</p> <p>1 was having a seizure.</p> <p>2 A. Correct.</p> <p>3 MS. CHANDLER: Object to the form.</p> <p>4</p> <p>5 Q. Is that a yes?</p> <p>6 A. That's a yes.</p> <p>7 Q. And you previously testified that</p> <p>8 it's absolutely not a good idea to Tase</p> <p>9 someone that's having a seizure, correct?</p> <p>10 MS. CHANDLER: Object to the form.</p> <p>11</p> <p>12 Q. Was that your previous testimony?</p> <p>13 A. Correct.</p> <p>14 Q. But you did not tell George Morris</p> <p>15 not to Tase T.H., correct?</p> <p>16 A. Say that again.</p> <p>17 Q. You did not tell George Morris to</p> <p>18 not Tase T.H., right? Wait. That's a triple</p> <p>19 negative. Let me try this again. Did you</p> <p>20 ever tell George Morris, don't Tase T.H.?</p> <p>21 A. I did not.</p> <p>22 Q. Did you ever tell George Morris,</p> <p>23 that's not a good idea to Tase T.H.?</p>

<p style="text-align: right;">Page 65</p> <p>1 A. I did not.</p> <p>2 Q. Did any Rainbow City police officer</p> <p>3 present when George Morris Tased T.H. try to</p> <p>4 stop George Morris from Tasing T.H.?</p> <p>5 A. I don't recall.</p> <p>6 Q. When you went to the academy, were</p> <p>7 you instructed on constitutional rights of</p> <p>8 suspects?</p> <p>9 A. Yes.</p> <p>10 Q. Were you instructed that as a</p> <p>11 police officer, you have a duty to make sure</p> <p>12 other officers do not inflict harm</p> <p>13 unnecessarily on people?</p> <p>14 MR. HOWARD: Object to the form.</p> <p>15 MS. CHANDLER: Object to the form.</p> <p>16</p> <p>17 Q. You can answer.</p> <p>18 A. I believe so.</p> <p>19 Q. But when you saw George Morris --</p> <p>20 or strike that. Let me ask you this way.</p> <p>21 Did you hear George Morris tell T.H., I'm</p> <p>22 going to Tase you?</p> <p>23 A. I did.</p>	<p style="text-align: right;">Page 67</p> <p>1</p> <p>2 A. I mean, I'm going to say this, and</p> <p>3 you tell me -- she was being very violent.</p> <p>4 So I mean --</p> <p>5 Q. At the time that George Morris</p> <p>6 Tased T.H., were her arms free?</p> <p>7 A. I don't recall.</p> <p>8 Q. Isn't it true that at the time</p> <p>9 George Morris Tased T.H. the first time, her</p> <p>10 arms were being held down?</p> <p>11 A. I don't remember.</p> <p>12 Q. Isn't it true that at the time</p> <p>13 George Morris Tased T.H. the first time, her</p> <p>14 legs were being held down?</p> <p>15 A. I don't remember.</p> <p>16 Q. Isn't it true that at the time</p> <p>17 George Morris Tased T.H. the first time, you</p> <p>18 were holding T.H.'s head?</p> <p>19 A. Correct.</p> <p>20 Q. At the time you were holding T.H.'s</p> <p>21 head at the time George Morris Tased T.H. the</p> <p>22 first time, where was George Morris in</p> <p>23 relation to her body, T.H.'s body?</p>
<p style="text-align: right;">Page 66</p> <p>1 Q. And when you heard George Morris</p> <p>2 tell T.H., I'm going to Tase you, you did not</p> <p>3 say you can't do that, she's having a</p> <p>4 seizure, did you?</p> <p>5 A. No.</p> <p>6 Q. And you did not try to stop George</p> <p>7 Morris from Tasing T.H. even though you knew</p> <p>8 she was having a seizure, correct?</p> <p>9 MR. STUBBS: Object to the form.</p> <p>10 MR. HOWARD: Object to the form.</p> <p>11 MS. CHANDLER: Object to the form.</p> <p>12</p> <p>13 Q. You can answer.</p> <p>14 A. At the time George Morris Tased</p> <p>15 her, I don't believe she was having a</p> <p>16 seizure.</p> <p>17 Q. But you believed she had had a</p> <p>18 seizure, correct?</p> <p>19 A. Correct.</p> <p>20 Q. So even though she wasn't having a</p> <p>21 seizure at the time that he Tased her, you</p> <p>22 knew that she had had a seizure that night.</p> <p>23 MR. STUBBS: Object to the form.</p>	<p style="text-align: right;">Page 68</p> <p>1 A. I remember him standing in front of</p> <p>2 her below her feet.</p> <p>3 Q. Standing in front of her below her</p> <p>4 feet.</p> <p>5 A. Yes, sir.</p> <p>6 Q. Was there anyone -- strike that.</p> <p>7 Was there a police officer to the left of</p> <p>8 T.H. when George Morris was standing below</p> <p>9 her feet?</p> <p>10 A. I don't remember.</p> <p>11 Q. Was there a police officer to the</p> <p>12 right of T.H. when George Morris was standing</p> <p>13 at her feet?</p> <p>14 A. I don't remember.</p> <p>15 Q. Do you know Timothy Kimbrough?</p> <p>16 A. Yes.</p> <p>17 Q. Who is Timothy Kimbrough?</p> <p>18 A. He is an officer with the Rainbow</p> <p>19 City Police Department.</p> <p>20 Q. Was Timothy Kimbrough present at</p> <p>21 Center Stage on the night of January 16,</p> <p>22 2015?</p> <p>23 A. I believe so.</p>

<p style="text-align: right;">Page 69</p> <p>1 Q. Was Timothy Kimbrough present when</p> <p>2 George Morris Tased T.H. the first time?</p> <p>3 A. I'm not sure.</p> <p>4 Q. Was Timothy Kimbrough present when</p> <p>5 George Morris Tased T.H. the second time?</p> <p>6 A. I'm not sure.</p> <p>7 Q. Was Jimmy Fazekas present when</p> <p>8 George Morris Tased T.H. the first time?</p> <p>9 A. I believe so.</p> <p>10 Q. Do you recall Jimmy Fazekas</p> <p>11 attempting to stop George Morris from Tasing</p> <p>12 T.H. the first time?</p> <p>13 MR. HOWARD: Object to the form.</p> <p>14</p> <p>15 A. I do not.</p> <p>16 Q. Do you recall Jimmy Fazekas</p> <p>17 attempting to stop George Morris from Tasing</p> <p>18 T.H. the second time?</p> <p>19 A. I do not.</p> <p>20 Q. Do you recall Camp Yancey being</p> <p>21 present at Center Stage on the night of</p> <p>22 January 16, 2015?</p> <p>23 A. I do not.</p>	<p style="text-align: right;">Page 71</p> <p>1 again?</p> <p>2 A. Yes, sir.</p> <p>3 Q. At the time that he Tased her the</p> <p>4 second time, were you still holding her</p> <p>5 head?</p> <p>6 A. Yes.</p> <p>7 Q. At the time that he Tased her the</p> <p>8 second time, do you recall officers holding</p> <p>9 T.H.'s feet?</p> <p>10 A. Yes.</p> <p>11 Q. Who were those officers?</p> <p>12 A. I don't remember.</p> <p>13 Q. So were they holding T.H.'s feet</p> <p>14 before George Morris Tased T.H. the second</p> <p>15 time?</p> <p>16 A. I believe they held her feet after</p> <p>17 the first Tase had happened.</p> <p>18 Q. So after the first Tase happened,</p> <p>19 T.H.'s feet were being held by two police</p> <p>20 officers, correct?</p> <p>21 A. From what I remember, she didn't</p> <p>22 comply with --</p> <p>23 Q. That wasn't my question.</p>
<p style="text-align: right;">Page 70</p> <p>1 Q. Do you recall telling Detective</p> <p>2 Fazekas, or Jimmy Fazekas, on the night of</p> <p>3 January 16, 2015 prior to George Morris</p> <p>4 Tasing T.H. the first time that she was</p> <p>5 having a seizure and that you needed to make</p> <p>6 sure she did not harm herself?</p> <p>7 A. Yes.</p> <p>8 Q. So you witnessed Sergeant Morris</p> <p>9 drive stun T.H. for a few seconds the first</p> <p>10 time, correct?</p> <p>11 A. I don't remember how long it was,</p> <p>12 but yes, I did witness it.</p> <p>13 Q. And what did T.H. say in response</p> <p>14 to being Tased?</p> <p>15 A. I believe the only thing I heard</p> <p>16 her say was Tase me mother fucker.</p> <p>17 Q. And did Sergeant Morris comply with</p> <p>18 that?</p> <p>19 MS. CHANDLER: Object to the form.</p> <p>20 MR. STUBBS: Object to the form.</p> <p>21 MR. HOWARD: Object to the form.</p> <p>22</p> <p>23 Q. You can answer. Did he Tase her</p>	<p style="text-align: right;">Page 72</p> <p>1 A. Okay. Go ahead.</p> <p>2 Q. My question was, after George</p> <p>3 Morris Tased T.H. the first time, T.H.'s feet</p> <p>4 were being held by two police officers,</p> <p>5 correct?</p> <p>6 A. After she got Tased the first time,</p> <p>7 her feet were being held.</p> <p>8 Q. And were her feet still being held</p> <p>9 when George Morris Tased T.H. the second</p> <p>10 time?</p> <p>11 A. I don't remember. Afterwards? Are</p> <p>12 you saying afterwards?</p> <p>13 Q. Between the first Tase and the</p> <p>14 second Tase, were the officers still holding</p> <p>15 T.H.'s feet?</p> <p>16 A. After the first Tase, they began to</p> <p>17 hold her feet. When she was Tased the second</p> <p>18 time, I don't know if they let go.</p> <p>19 Q. You don't know if they let go</p> <p>20 before she was Tased the second time?</p> <p>21 A. I believe they were being held</p> <p>22 while she was Tased the second time.</p> <p>23 Q. T.H.'s feet were being held while</p>

<p style="text-align: right;">Page 73</p> <p>1 she was Tased the second time, correct?</p> <p>2 A. Correct.</p> <p>3 Q. And they were being held by two</p> <p>4 Rainbow City police officers, correct?</p> <p>5 A. I don't know if it was two.</p> <p>6 Q. Well, they were being held by at</p> <p>7 least one Rainbow City police officer,</p> <p>8 right?</p> <p>9 A. Correct.</p> <p>10 Q. Who was that officer?</p> <p>11 A. I don't remember. Everything</p> <p>12 happened so fast.</p> <p>13 Q. Was it a patrol officer?</p> <p>14 A. I have no idea.</p> <p>15 Q. Was he in uniform?</p> <p>16 A. Yes.</p> <p>17 Q. Do detectives wear Class A</p> <p>18 uniforms?</p> <p>19 A. No.</p> <p>20 Q. Who wears Class A uniforms?</p> <p>21 A. Patrol officers, Sergeants,</p> <p>22 Lieutenants. That's about it at Rainbow</p> <p>23 City.</p>	<p style="text-align: right;">Page 75</p> <p>1 Q. You can answer.</p> <p>2 A. I don't understand your definition</p> <p>3 of restrained because sometimes we restrain</p> <p>4 people and they still fight.</p> <p>5 Q. Well, tell me how T.H. was</p> <p>6 fighting. Was she kicking?</p> <p>7 A. Kicking.</p> <p>8 Q. Even though her feet were being</p> <p>9 restrained?</p> <p>10 A. After the first time, she was</p> <p>11 kicking. That's why they held her feet the</p> <p>12 second time.</p> <p>13 Q. Okay. Let's focus on that second</p> <p>14 Tase.</p> <p>15 A. Okay.</p> <p>16 Q. Was she kicking at the time that</p> <p>17 she was Tased the second time?</p> <p>18 A. Trying to.</p> <p>19 Q. Was she?</p> <p>20 MR. HOWARD: Object to the form.</p> <p>21</p> <p>22 Q. You can answer.</p> <p>23 A. Yes.</p>
<p style="text-align: right;">Page 74</p> <p>1 Q. So was it George Morris holding</p> <p>2 T.H.'s feet while he Tased her?</p> <p>3 A. I don't remember.</p> <p>4 Q. Did you ever tell George Morris,</p> <p>5 you shouldn't Tase her because her feet are</p> <p>6 being held?</p> <p>7 A. No.</p> <p>8 Q. Did any Rainbow City police officer</p> <p>9 present at the second Tase tell George</p> <p>10 Morris, you shouldn't Tase her because her</p> <p>11 feet are being held?</p> <p>12 A. I don't remember.</p> <p>13 Q. As an officer who has gone through</p> <p>14 the police academy, you are APOST certified,</p> <p>15 correct?</p> <p>16 A. Yes, sir.</p> <p>17 Q. In all of your APOST training, have</p> <p>18 you ever been taught it's okay to Tase a</p> <p>19 person who is being restrained?</p> <p>20 MR. STUBBS: Object to the form.</p> <p>21 MR. HOWARD: Object to the form.</p> <p>22 MS. CHANDLER: Object to the form.</p> <p>23</p>	<p style="text-align: right;">Page 76</p> <p>1 Q. So a grown man was holding this</p> <p>2 seventeen-year-old girl's feet and she was</p> <p>3 kicking. Is that your testimony?</p> <p>4 A. Trying to kick, yes.</p> <p>5 Q. Well, was she kicking, or was she</p> <p>6 trying to kick?</p> <p>7 MR. HOWARD: Object to the form.</p> <p>8</p> <p>9 Q. You can answer.</p> <p>10 A. Yes.</p> <p>11 Q. Is it possible -- let me ask you</p> <p>12 this way. What medical training do you have</p> <p>13 as it relates to someone having seizures?</p> <p>14 A. No certifications.</p> <p>15 Q. Have you ever seen anyone have a</p> <p>16 seizure outside of January 16, 2015?</p> <p>17 A. Yes.</p> <p>18 MR. HOWARD: Object to the form.</p> <p>19 MR. STUBBS: Object to the form.</p> <p>20</p> <p>21 Q. And who was that?</p> <p>22 A. Patients at a hospital.</p> <p>23 Q. At a hospital. And that's in a</p>

<p style="text-align: right;">Page 77</p> <p>1 controlled setting, in a controlled 2 environment? 3 A. Yes. 4 Q. And are those patients restrained 5 when they are having those seizures? 6 A. Define restrained. 7 Q. Are they held so that they don't 8 hurt themselves? 9 A. Yes. 10 Q. And why is that? 11 A. From what I've been told, so they 12 can't knock themselves out while they're 13 moving their head around, don't break 14 anything by hitting up against an object, 15 arms slinging, legs -- 16 Q. Kicking? 17 A. Kicking. So they won't get hurt. 18 Q. So you've been told -- well, who 19 told you that a patient having a seizure 20 would be kicking? 21 A. Nobody has told me. I've witnessed 22 it. 23 Q. You've witnessed patients having</p>	<p style="text-align: right;">Page 79</p> <p>1 here, man. Anything is possible. 2 Q. Right. So it's possible that the 3 cursing that you heard was a result of the 4 seizures, correct? 5 MS. CHANDLER: Object to the form. 6 MR. STUBBS: Object to the form. 7 MR. HOWARD: Object to the form. 8 9 Q. You can answer. You said anything 10 is possible, so that's possible, correct? 11 MS. CHANDLER: Object to the form. 12 MR. STUBBS: Object to the form. 13 MR. HOWARD: Object to the form. 14 15 A. Correct. 16 Q. And it's possible that the kicking 17 that you saw was a result of the seizures, 18 correct? 19 MS. CHANDLER: Object to the form. 20 MR. STUBBS: Object to the form. 21 MR. HOWARD: Object to the form. 22 23 Q. Is that correct?</p>
<p style="text-align: right;">Page 78</p> <p>1 seizures who would be kicking, correct? 2 A. Correct. 3 Q. So why is it that you say T.H. was 4 being violent because she was kicking when 5 you had also been told that she was having a 6 seizure? 7 A. At that time? 8 Q. Yes, sir. 9 A. Because she was cursing. 10 Q. So do you know -- 11 A. Working at the hospital, I've never 12 seen anybody curse having seizures. 13 Q. But you don't know if that happens 14 or not. 15 A. Absolutely not. 16 Q. So it could happen, correct? 17 MS. CHANDLER: Object to the form. 18 MR. STUBBS: Object to the form. 19 MR. HOWARD: Object to the form. 20 21 Q. You don't know one way or the 22 other. 23 A. I could die in a car wreck out</p>	<p style="text-align: right;">Page 80</p> <p>1 A. Possibly. 2 Q. But rather than taking an objective 3 wait and see approach until the medics got 4 there, George Morris decided to go ahead and 5 Tase T.H. because he felt she was not 6 compliant, correct? 7 MR. STUBBS: Object to the form. 8 MS. CHANDLER: Object to the form. 9 MR. HOWARD: Object to the form. 10 11 Q. You can answer. 12 MS. CHANDLER: To the extent you 13 know. 14 MR. HARP: That's a touchy 15 question, I guess. 16 17 Q. You can answer. 18 MS. CHANDLER: You can testify as 19 to what you know, but you can answer his 20 question. 21 MR. HOWARD: Triple objection. 22 23 A. Ask me again.</p>

<p style="text-align: right;">Page 81</p> <p>1 Q. Did George Morris explain to T.H. 2 why he was going to Tase her? 3 A. Yes. 4 Q. And what did George Morris say by 5 way of explanation to T.H. as to why he was 6 going to Tase her? 7 A. I believe it was something along 8 the lines, if you don't stop fighting, you're 9 going to get Tased again. 10 Q. So what did you take that to mean 11 when you heard George Morris tell T.H. 12 that? 13 A. That if you don't stop biting and 14 kicking and cursing, you will be Tased 15 again. 16 Q. Well, who did T.H. bite? 17 A. She was trying to bite me. 18 Q. Did she bite you? 19 A. She attempted to. 20 Q. Did she bite you? 21 MR. HOWARD: Object to the form. 22 23 Q. You can answer.</p>	<p style="text-align: right;">Page 83</p> <p>1 right? 2 A. This was at different places. 3 Q. Did you start holding T.H.'s head 4 because you felt she was having a seizure? 5 Yes or no. 6 A. There is two separate incidences. 7 Q. I'm talking about the first time 8 you started holding her head. 9 A. The first time I ever held her 10 head. 11 Q. Yes. 12 A. I held her head because I believed 13 she was having a seizure, yes. 14 Q. Okay. Did anything change your 15 mind about whether or not T.H. was having a 16 seizure? 17 A. Yes. 18 Q. What? 19 A. The cursing and the fighting and 20 the aggression, just being violent. 21 Q. Do you know whether or not patients 22 having seizures react in a violent manner? 23 A. Say it again.</p>
<p style="text-align: right;">Page 82</p> <p>1 A. No, she did not. 2 Q. Who else did she attempt to bite? 3 A. I have no idea. 4 Q. And why do you think she attempted 5 to bite you? 6 MS. CHANDLER: Object to the form. 7 MR. HOWARD: Object to the form. 8 MR. STUBBS: Object to the form. 9 10 Q. You can answer. 11 A. Because I was holding her head. 12 Q. And why were you holding her 13 head? 14 A. So she couldn't bite. 15 Q. I thought you were holding her head 16 because you thought she was having a seizure. 17 A. Earlier. 18 MS. CHANDLER: Object to the form. 19 MR. HOWARD: Object to the form. 20 MR. STUBBS: Object to the form. 21 22 Q. So you started holding her head 23 because you felt she was having a seizure,</p>	<p style="text-align: right;">Page 84</p> <p>1 Q. Sure. To your knowledge, is it 2 possible for someone having a seizure to act 3 in a violent manner? 4 A. I have no idea. 5 Q. So it's possible because you have 6 no idea that the violent manner you say you 7 observed from T.H. was a result of the 8 seizure, isn't it? 9 MR. HOWARD: Object to the form. 10 MR. STUBBS: Object to the form. 11 MS. CHANDLER: Object to the form. 12 13 Q. You can answer. 14 A. I have no idea. 15 Q. But it's possible. 16 MS. CHANDLER: Object to the form. 17 MR. STUBBS: Object to the form. 18 MR. HOWARD: Object to the form. 19 20 A. Correct. 21 Q. And have you ever read anything in 22 the Taser manual that indicates to you that 23 people having seizures could react in a</p>

<p style="text-align: right;">Page 85</p> <p>1 violent manner?</p> <p>2 A. I have not.</p> <p>3 Q. As a matter of fact, you think the</p> <p>4 last time you've ever even seen a Taser</p> <p>5 manual would have been when you were first</p> <p>6 certified, right?</p> <p>7 A. Correct.</p> <p>8 Q. And that would have been in what</p> <p>9 year?</p> <p>10 A. 2010.</p> <p>11 Q. So six years ago, you read the</p> <p>12 Taser manual for the first and last time.</p> <p>13 Did you read anything at that time that</p> <p>14 indicated that patients having seizures could</p> <p>15 react in a violent manner and you should be</p> <p>16 careful about employing a Taser on them?</p> <p>17 A. I don't remember.</p> <p>18 Q. When you downloaded the footage</p> <p>19 from the body cams that night, did you</p> <p>20 download any footage that showed T.H. being</p> <p>21 Tasered by George Morris?</p> <p>22 A. I don't remember.</p> <p>23 Q. Should George Morris have been --</p>	<p style="text-align: right;">Page 87</p> <p>1 Q. I'm asking in any way.</p> <p>2 A. No.</p> <p>3 Q. So when you were issued the body</p> <p>4 camera by the Rainbow City Police Department,</p> <p>5 were you just handed the camera and were told</p> <p>6 to wear this?</p> <p>7 A. I don't remember.</p> <p>8 Q. And when were you issued the body</p> <p>9 camera from the Rainbow City Police</p> <p>10 Department again?</p> <p>11 A. I'm not sure. It was a year, year</p> <p>12 and a half ago.</p> <p>13 Q. How do you know as a police officer</p> <p>14 for the Rainbow City Police Department, how</p> <p>15 do you know when to turn your body cam on?</p> <p>16 A. I turn my camera on every time I'm</p> <p>17 about to go to a call or interview someone.</p> <p>18 Q. But is that just something you do</p> <p>19 on your own, or is that a written policy</p> <p>20 within the Rainbow City Police Department?</p> <p>21 A. I've verbally been told before to</p> <p>22 have it on every time that you interact with</p> <p>23 someone.</p>
<p style="text-align: right;">Page 86</p> <p>1 should his body camera have been running at</p> <p>2 the time that he Tased T.H. the first time?</p> <p>3 MS. CHANDLER: Object to the form.</p> <p>4 MR. STUBBS: Object to the form.</p> <p>5 MR. HOWARD: Object to the form.</p> <p>6</p> <p>7 Q. You can answer.</p> <p>8 A. I don't know.</p> <p>9 Q. What is the policy at the Rainbow</p> <p>10 City Police Department on the use of body</p> <p>11 cams?</p> <p>12 MS. CHANDLER: Object to the form.</p> <p>13 MR. STUBBS: Object to the form.</p> <p>14 MR. HOWARD: Object to the form.</p> <p>15</p> <p>16 Q. And if you don't know, just tell</p> <p>17 me.</p> <p>18 A. I don't know.</p> <p>19 Q. Have you ever been instructed by</p> <p>20 anyone at Rainbow City Police Department on</p> <p>21 the proper use of body cams?</p> <p>22 A. Like a class? Is that what you're</p> <p>23 asking? Like a certification?</p>	<p style="text-align: right;">Page 88</p> <p>1 Q. Who told you that?</p> <p>2 A. Chase Jenkins.</p> <p>3 Q. When did he tell you that?</p> <p>4 A. When he issued the cameras.</p> <p>5 Q. So Chase Jenkins issued the camera</p> <p>6 to you and told you to turn this on every</p> <p>7 time you're interacting with a person?</p> <p>8 A. Yes.</p> <p>9 Q. At the time that George Morris</p> <p>10 Tased T.H. the first time, had she committed</p> <p>11 a crime?</p> <p>12 A. Say that again.</p> <p>13 Q. At the time that George Morris</p> <p>14 Tased T.H. the first time, had she committed</p> <p>15 a crime?</p> <p>16 A. Possibly.</p> <p>17 Q. Well, either she had or she had</p> <p>18 not. Had she committed a crime?</p> <p>19 MS. CHANDLER: Object to the form.</p> <p>20 MR. STUBBS: Object to the form.</p> <p>21 MR. HOWARD: Object to the form.</p> <p>22</p> <p>23 Q. You can answer.</p>

<p style="text-align: right;">Page 89</p> <p>1 A. I believe that's officer 2 discretion. 3 Q. In your belief, had T.H. committed 4 a crime at the time George Morris Tased her 5 the first time? 6 A. I did not arrest her for any crime 7 at that point. 8 Q. Because you did not believe -- and 9 you have arrest powers, correct? 10 A. Correct. 11 Q. You're APOST certified, correct? 12 A. Correct. 13 Q. So you have arrest powers within 14 the boundaries of the State of Alabama, 15 correct? 16 A. I do. 17 Q. And so if T.H. had committed a 18 crime worthy of arrest, you could have 19 arrested her that night, correct? 20 A. If I had seen a crime being 21 committed. 22 Q. And you were present when T.H. was 23 Tased the first time, correct?</p>	<p style="text-align: right;">Page 91</p> <p>1 2 Q. You can answer. 3 A. That would be an opinion. 4 Q. Well, in your opinion, at the time 5 that George Morris Tased T.H. the first time 6 when he was standing above her and she was 7 lying on the ground and you were holding her 8 head, was T.H. a threat to George Morris? 9 A. No. 10 Q. But he Tased her anyway, correct? 11 MS. CHANDLER: Object to the form. 12 MR. STUBBS: Object to the form. 13 MR. HOWARD: Object to the form. 14 15 Q. You can answer. 16 A. T.H. was not a threat to George 17 Morris. 18 Q. But he Tased her anyway, correct? 19 A. Correct. 20 Q. At the time George Morris Tased 21 T.H. the second time when a Rainbow City 22 police officer was holding her feet, was 23 George Morris still standing?</p>
<p style="text-align: right;">Page 90</p> <p>1 A. Correct. 2 Q. And you didn't arrest her. 3 A. I didn't see it from every angle. 4 Q. Well, you saw it from the angle of 5 her head you were holding, correct? 6 A. Correct. 7 Q. So from the angle of her head where 8 you were holding it, did you see her commit a 9 crime? 10 A. No. 11 Q. Yet George Morris Tased her, 12 correct? 13 A. Correct. 14 Q. And George Morris was standing and 15 T.H. was laying on the ground, correct? 16 A. Correct. 17 Q. So at the time George Morris Tased 18 her the first time, in your opinion as a 19 seasoned police officer, was T.H. a threat to 20 George Morris? 21 MS. CHANDLER: Object to the form. 22 MR. HOWARD: Object to the form. 23 MR. STUBBS: Object to the form.</p>	<p style="text-align: right;">Page 92</p> <p>1 A. I believe so. 2 Q. So at the time that George Morris 3 Tased T.H. the second time when a Rainbow 4 City police officer was holding her feet, 5 were you still holding her head? 6 A. Yes. 7 Q. So at the time that George Morris 8 Tased T.H. the second time when a Rainbow 9 City police officer was holding her feet and 10 you were holding her head, was T.H. a threat 11 to George Morris in your opinion? 12 A. Not from his position. 13 Q. Do you know what the anti-felon 14 confetti is in the X-26? 15 A. I have no idea. 16 Q. You don't? 17 A. Say it again. 18 Q. Do you know what the anti-felon 19 confetti is in the X-26? 20 A. I do not. 21 Q. You're not aware that if that Taser 22 is discharged, confetti comes out to mark 23 when that Taser was discharged?</p>

<p style="text-align: right;">Page 93</p> <p>1 A. Now that you say that, I've heard 2 that it's got a date and time recorded, yes. 3 I just didn't know what you were asking. 4 Q. When you finish with that Taser at 5 the end of your shift, what happens to that 6 Taser? 7 A. After you Tase someone or -- 8 Q. No, sir. Just when you finish your 9 shift, what do you do with your Taser? 10 A. I put it in a lock box in my car. 11 Q. Do you ever charge your Taser? 12 A. They have batteries. I have to 13 change out -- you have to change out 14 batteries when they get so low. 15 Q. Is your Taser charged now? 16 A. Yes. 17 Q. Do you ever put your Taser in a 18 docking station? 19 A. Never. 20 Q. Did you know there was a docking 21 station? 22 MS. CHANDLER: Object to the form. 23</p>	<p style="text-align: right;">Page 95</p> <p>1 do at that point? 2 A. I don't remember at that point. I 3 don't remember what he done after that. 4 Q. What did you do after he Tased her 5 the second time? 6 A. The second time? 7 Q. Yes, sir. 8 A. The next thing I remember after 9 holding her head after she was Tased the 10 second time was someone pushing into my 11 back. 12 Q. Who was it? 13 A. I don't know. 14 Q. Did you ever see the person pushing 15 into your back? 16 A. From behind, yes. 17 Q. From behind? 18 A. I saw their back side. 19 Q. Describe that person. 20 A. It appeared to be a woman with long 21 hair. 22 Q. And you're saying that a woman with 23 long hair pushed into your back after T.H.</p>
<p style="text-align: right;">Page 94</p> <p>1 Q. You can answer. 2 A. Explain docking station. To like 3 download material or -- 4 Q. Yes. 5 A. I know that you can hook a USB up 6 to that, yes. 7 Q. Is there a policy within the 8 Rainbow City Police Department that those 9 Tasers are supposed to be placed on a docking 10 station at the end of your shift? 11 A. I have no idea. 12 Q. Well, you don't do that with your 13 Taser, right? 14 A. No. 15 Q. And you would do it if there was a 16 policy for you to do that, right? 17 MR. HOWARD: Object to the form. 18 MS. CHANDLER: Object to the form. 19 MR. STUBBS: Object to the form. 20 21 A. Correct. 22 Q. Okay. So after George Morris Tased 23 T.H. the second time, what did George Morris</p>	<p style="text-align: right;">Page 96</p> <p>1 was Tased by George Morris the second time. 2 A. Yes. 3 Q. Was the woman who you say pushed 4 into your back, did she ever say anything? 5 A. I don't remember. 6 Q. Is it possible that she said stop, 7 stop Tasing her? 8 A. Possibly. 9 Q. And after she possibly said that, 10 what's the next thing you remember? 11 A. The next thing I remember is the 12 female kept trying to -- I felt like I was 13 still getting bumped from behind in my back. 14 Q. Well, were you still getting 15 bumped, or did you just feel that? 16 A. Yes. Yes, I was. 17 Q. Do you have any independent 18 knowledge that it was this female who said 19 stop, stop Tasing her that was bumping you in 20 your back? 21 A. No. 22 Q. So you don't know who was bumping 23 you in the back.</p>

<p style="text-align: right;">Page 97</p> <p>1 A. I have no idea.</p> <p>2 Q. It could have been another Rainbow</p> <p>3 City police officer for all you know,</p> <p>4 correct?</p> <p>5 A. Until I turned around, yes.</p> <p>6 Q. Well, when you turned around, you</p> <p>7 were no longer being bumped in the back,</p> <p>8 correct?</p> <p>9 A. I had just been bumped in the back.</p> <p>10 Q. But you don't know who did that.</p> <p>11 A. No. I don't know a name.</p> <p>12 Q. Well, your back was turned,</p> <p>13 correct?</p> <p>14 A. Correct. I'm still on the floor.</p> <p>15 Q. And you were bumped in the back.</p> <p>16 A. Correct.</p> <p>17 Q. So you don't know who bumped you in</p> <p>18 the back, correct?</p> <p>19 A. Correct.</p> <p>20 Q. Because at the time it happened, by</p> <p>21 the laws of physics, you were facing the</p> <p>22 other way, right?</p> <p>23 A. Correct.</p>	<p style="text-align: right;">Page 99</p> <p>1 Q. You didn't see who bumped you in</p> <p>2 the back, did you?</p> <p>3 MS. CHANDLER: Object to the form.</p> <p>4</p> <p>5 A. Not bump me in the back, no.</p> <p>6 Q. And when you turned around, there</p> <p>7 was an older female standing there,</p> <p>8 correct?</p> <p>9 A. Correct.</p> <p>10 Q. Who you did not see actually bump</p> <p>11 you in the back, correct?</p> <p>12 MS. CHANDLER: Object to the form.</p> <p>13 Asked and answered. You may answer.</p> <p>14</p> <p>15 A. Correct.</p> <p>16 Q. And when you turned around and you</p> <p>17 saw that female standing there, what did you</p> <p>18 do?</p> <p>19 A. When I turned around and looked at</p> <p>20 this female, I did not see a face. The</p> <p>21 female began trying to, it looked like, make</p> <p>22 her way towards the girl.</p> <p>23 Q. That's it? She was just trying to</p>
<p style="text-align: right;">Page 98</p> <p>1 Q. So how do you know it was the older</p> <p>2 female that bumped you in the back?</p> <p>3 A. As soon as I felt the second bump,</p> <p>4 I turned around. And by the law of physics,</p> <p>5 that was the only person standing at my</p> <p>6 back.</p> <p>7 Q. But you never saw her bump you, did</p> <p>8 you?</p> <p>9 MS. CHANDLER: Object to the form.</p> <p>10</p> <p>11 Q. That's not the law of physics, by</p> <p>12 the way. That's the law of probability,</p> <p>13 right?</p> <p>14 MS. CHANDLER: Object to the form.</p> <p>15 MR. HOWARD: Object to the form.</p> <p>16 MR. STUBBS: Object to the form.</p> <p>17</p> <p>18 Q. Possibility.</p> <p>19 MR. HOWARD: There are no physics</p> <p>20 or probability experts in here.</p> <p>21</p> <p>22 A. Tell me what you're asking me</p> <p>23 again.</p>	<p style="text-align: right;">Page 100</p> <p>1 make her way towards the girl?</p> <p>2 A. If I remember right, she was</p> <p>3 screaming.</p> <p>4 Q. Is that a crime in the City of</p> <p>5 Rainbow City to scream?</p> <p>6 A. No.</p> <p>7 Q. Okay. So she was screaming. She</p> <p>8 was trying to make her way toward the girl.</p> <p>9 And the girl wasn't under arrest, correct?</p> <p>10 A. Correct.</p> <p>11 Q. So at that point, the older female</p> <p>12 had not committed a crime, correct?</p> <p>13 MS. CHANDLER: Object to the form.</p> <p>14</p> <p>15 Q. To your knowledge.</p> <p>16 A. Possibly, yes.</p> <p>17 Q. What was that crime?</p> <p>18 A. Obstruction.</p> <p>19 Q. Of?</p> <p>20 A. Governmental operations.</p> <p>21 Q. Were you on duty that night?</p> <p>22 A. I'm on duty twenty-four, seven.</p> <p>23 Q. So during all of this stuff that</p>

<p style="text-align: right;">Page 101</p> <p>1 happened with T.H. and you not stopping 2 George Morris from Tasing T.H., you were on 3 duty. 4 MR. STUBBS: Object to the form. 5 MS. CHANDLER: Object to the form. 6 7 A. Say that again. 8 Q. You said you are on duty 9 twenty-four, seven, right? 10 A. Yes. 11 Q. So at the point that you did not 12 try to stop George Morris from Tasing T.H., 13 did you consider yourself to be on duty? 14 A. Yes. 15 Q. And who do you work for? 16 A. The Rainbow City Police 17 Department. 18 Q. So what justice was the older 19 female whose face you did not see 20 obstructing? 21 MR. HOWARD: Object to the form. 22 MS. CHANDLER: Object to the form. 23 MR. STUBBS: Object to the form.</p>	<p style="text-align: right;">Page 103</p> <p>1 Q. Okay. But she had not committed a 2 crime by your opinion. 3 A. Not by my opinion. 4 Q. Okay. So what justice was the 5 older female whose face you did not see 6 obstructing? 7 A. Interfering. 8 Q. With? 9 A. A police matter. 10 Q. What was the police matter? 11 A. Trying to calm down a situation. 12 Q. What situation were the police 13 trying to calm down? 14 A. The T.H. situation. 15 Q. What was the T.H. situation? 16 Because T.H. had not committed a crime, 17 correct? 18 MS. CHANDLER: Object to the form. 19 20 Q. You can answer. 21 A. Not at that point, no. 22 Q. Well, she had already been Tased 23 twice. So at the point she had been Tased</p>
<p style="text-align: right;">Page 102</p> <p>1 2 Q. I'm sorry. You said obstruction of 3 a governmental operation. 4 A. I did mean to say obstruction of 5 justice. I'm sorry. 6 Q. Okay. So what justice was the 7 older female whose face you did not see, who 8 you did not see bump you, what justice was 9 she obstructing? 10 A. Trying to involve herself in a 11 police matter. 12 Q. And what was the police matter? 13 A. The police were dealing with a 14 person. 15 Q. Who had not committed a crime, 16 correct? 17 A. Not by my opinion. 18 Q. Okay. So if she had not committed 19 a crime, what justice was the older female 20 obstructing? 21 A. She had just been Tased. 22 Q. Who had? 23 A. T.H.</p>	<p style="text-align: right;">Page 104</p> <p>1 twice, she had not committed a crime? 2 A. Not in my -- now, say it again. 3 Q. Okay. I asked you what justice the 4 older female whose face you did not see was 5 obstructing. And your response was, trying 6 to calm down the situation, right? And I 7 said, what situation? And you said the T.H. 8 situation. 9 A. Yes. 10 Q. What was the T.H. situation? 11 A. Trying to get T.H. to -- how do I 12 word this? Comply to orders. 13 Q. What orders were you giving T.H.? 14 A. I wasn't giving any orders. 15 Q. What orders was George Morris 16 giving T.H.? 17 A. To calm down and stop fighting. 18 Q. How was T.H. fighting if her legs 19 were being held down by the police officer at 20 the second time she was Tased? 21 A. I believe while her feet were being 22 held the second time -- I don't know how to 23 explain it, but she was just -- let me see</p>

<p style="text-align: right;">Page 105</p> <p>1 how to word this. When you're fighting 2 someone, they can get loose. She was trying 3 to jar loose is what I'm saying. 4 Q. Did she jar loose? 5 A. I believe so. 6 MR. HARP: All right. Let's go off 7 the record while I take this call. 8 9 (Whereupon, a brief recess was 10 taken.) 11 12 (Plaintiff's Exhibit Number 3 was 13 marked for identification and same is 14 attached hereto.) 15 16 17 (Plaintiff's Exhibit Number 4 was 18 marked for identification and same is 19 attached hereto.) 20 21 Q. All right. We're back on the 22 record, Mr. Gilliland. Let me show you what 23 I've marked as Plaintiff's Exhibit Number 3</p>	<p style="text-align: right;">Page 107</p> <p>1 Plaintiff's Exhibit Number 3 now. Have you 2 ever seen this document before? 3 A. I have. 4 Q. And what is that document we're 5 looking at? 6 A. That document is the statement that 7 I typed and signed. 8 Q. And when did you type this 9 document? 10 A. I don't remember. It was shortly 11 after the incident had happened. 12 Q. When did you sign this document? 13 A. It says 1-22-15. 14 Q. Did you sign the document the same 15 day you typed it? 16 A. Yes, I believe so. 17 Q. Did you give the document to anyone 18 to review before you signed it? 19 A. I don't believe so. 20 Q. Is this the document -- strike 21 that. As this document exists as Plaintiff's 22 Exhibit Number 3, are there any other 23 versions of this document that exist?</p>
<p style="text-align: right;">Page 106</p> <p>1 to your deposition. And by way of further 2 identification, Number 3 is the statement of 3 Justin Gilliland. 4 And you can take that and just 5 glance at it and then lay it to the side 6 because I want to visit with you about 7 Plaintiff's Exhibit Number 4 that I'm going 8 to enter into the record. And by way of 9 further identification, it is a photograph of 10 T.H. And those were produced to the 11 Defendants' counsel in our initial 12 disclosures. Mr. Gilliland, do you 13 recognize the person depicted in that 14 photograph? 15 A. Yes. 16 Q. And who is that person? 17 A. That appears to be T.H. 18 Q. And does that appear to be the same 19 individual that was Tased by George Morris 20 two times in your presence on January 16, 21 2015? 22 A. Yes. 23 Q. Okay. Now, if you would, pick up</p>	<p style="text-align: right;">Page 108</p> <p>1 A. No. 2 Q. So this is the only statement 3 you've ever typed out related to the events 4 that occurred on January 16, 2015; is that 5 correct? 6 A. I believe so. 7 Q. And where did you type this 8 document? Where were you when you typed this 9 document? 10 A. In my office. My previous 11 office. 12 Q. At the Rainbow City Police 13 Department? 14 A. Yes. 15 Q. And you typed that on a computer? 16 A. Yes. 17 Q. Do you still have a copy of -- 18 strike that. Did you save the file that you 19 used to type this document? 20 A. I believe I did. 21 Q. Do you recall the name of the file 22 that this document is saved under? 23 A. It was either statement of Justin</p>

<p style="text-align: right;">Page 109</p> <p>1 Gilliland or statement of Center Stage 2 incident.</p> <p>3 Q. Is that document still on your 4 computer at the Rainbow City Police 5 Department?</p> <p>6 A. I believe it's still on Camp 7 Yancey's computer.</p> <p>8 Q. So the computer that this statement 9 was typed on is now used by Camp Yancey?</p> <p>10 A. Correct.</p> <p>11 Q. Is there a policy within the 12 Rainbow City Police Department about the 13 preservation of statements made by 14 officers?</p> <p>15 A. Not that I'm aware of.</p> <p>16 Q. If that policy existed, that policy 17 would be contained in the SOP, correct?</p> <p>18 MR. HOWARD: Object to the form.</p> <p>19</p> <p>20 Q. You can answer.</p> <p>21 A. I'm not sure.</p> <p>22 Q. So does this appear to be the 23 statement in the same form that you typed and</p>	<p style="text-align: right;">Page 111</p> <p>1 security on the night of January 16, 2015 at 2 Center Stage?</p> <p>3 A. I was asked by Chief Carroll.</p> <p>4 Q. When Chief Carroll asked you about 5 working security at Center Stage, how did 6 that conversation go?</p> <p>7 A. I had previously worked security 8 before at concerts at Center Stage. And I 9 believe he came up to me and said, hey, we've 10 got another one Saturday night, do you want 11 to work. He always came to me and Fazekas 12 and asked us first. And we agreed to work 13 security.</p> <p>14 Q. Were you at the police station when 15 he asked you that?</p> <p>16 A. I don't remember where we were.</p> <p>17 Q. You don't remember where you were 18 when you were asked?</p> <p>19 A. We might have been at lunch, the 20 police station.</p> <p>21 Q. All right. Now, your statement 22 says that Chief Greg Carroll advised you 23 where you would be working. Was that</p>
<p style="text-align: right;">Page 110</p> <p>1 signed on January 22nd, 2015?</p> <p>2 A. It does.</p> <p>3 Q. Do you see anything that's been 4 changed about this statement from when you 5 typed and signed it on January 22nd, 2015?</p> <p>6 A. I would have to read every bit of 7 it, but I don't believe so.</p> <p>8 Q. Okay. Well, I'll give you time to 9 do that.</p> <p>10 A. Okay. (Witness reviewing 11 document.)</p> <p>12 Q. Okay. After having an opportunity 13 to read the entirety of Plaintiff's Exhibit 14 Number 3, does that statement appear to be 15 the same statement that you signed on January 16 22nd, 2015?</p> <p>17 A. It does.</p> <p>18 Q. And at the time that you signed 19 this statement on January 22nd, 2015, were 20 the events as you recalled them fresh in your 21 mind?</p> <p>22 A. Yes.</p> <p>23 Q. So how did you end up working</p>	<p style="text-align: right;">Page 112</p> <p>1 correct?</p> <p>2 A. Correct.</p> <p>3 Q. So was Chief Carroll in charge of 4 dictating where people worked security at 5 Center Stage?</p> <p>6 MR. HOWARD: Object to the form.</p> <p>7</p> <p>8 Q. You can answer.</p> <p>9 A. I'm not sure, but he's the Chief of 10 Police. I just followed orders.</p> <p>11 Q. So because that order came from 12 Chief Carroll to go work in the VIP section, 13 you followed that order, correct?</p> <p>14 MR. STUBBS: Object to the form.</p> <p>15</p> <p>16 Q. You can answer.</p> <p>17 A. Correct.</p> <p>18 Q. So you were in the VIP section, 19 right, working security?</p> <p>20 A. I was below the VIP section 21 starting to go up the stairs.</p> <p>22 Q. So you were at the stairs section, 23 where the stairs start leading up to the VIP</p>

<p style="text-align: right;">Page 113</p> <p>1 section, correct?</p> <p>2 A. Correct.</p> <p>3 Q. And at some point, you smelled</p> <p>4 marijuana; is that right?</p> <p>5 A. Yes. You could smell marijuana the</p> <p>6 whole night.</p> <p>7 Q. Did you ever try to investigate the</p> <p>8 source of that?</p> <p>9 A. I did multiple times.</p> <p>10 Q. Did you put that in your report?</p> <p>11 A. No, I didn't.</p> <p>12 Q. But I see that you said Jeremy</p> <p>13 Reeves had told you that no one was allowed</p> <p>14 to smoke in the concert hall, right?</p> <p>15 A. Inside the concert hall, no one was</p> <p>16 allowed to smoke. I was told that.</p> <p>17 Q. And that would include marijuana</p> <p>18 too, I assume.</p> <p>19 A. Yes, any smoke.</p> <p>20 Q. Did you ever find the source of the</p> <p>21 marijuana?</p> <p>22 A. I never found the source of the</p> <p>23 marijuana.</p>	<p style="text-align: right;">Page 115</p> <p>1 Q. Did you pull your Taser to break up</p> <p>2 that fight?</p> <p>3 A. I believe I did not.</p> <p>4 Q. Did you pull your Taser even after</p> <p>5 you had been pushed in the chest by one of</p> <p>6 the male subjects?</p> <p>7 A. Come to think of it, I don't even</p> <p>8 believe I had the Taser.</p> <p>9 Q. You were not carrying the Taser?</p> <p>10 A. I was not carrying the Taser.</p> <p>11 Q. So is it mandatory to carry that</p> <p>12 Taser?</p> <p>13 A. I don't believe so. I know the</p> <p>14 detectives don't.</p> <p>15 Q. The detectives do not have to carry</p> <p>16 Tasers.</p> <p>17 A. Unless we get out like at someone's</p> <p>18 house or something. We just don't carry them</p> <p>19 around daily. We keep them in our cars.</p> <p>20 Q. All the time?</p> <p>21 A. Until we get out at a residence, if</p> <p>22 we're going to serve a warrant or something</p> <p>23 like that.</p>
<p style="text-align: right;">Page 114</p> <p>1 Q. But you did tell people who were</p> <p>2 smoking that they had to go to the smoking</p> <p>3 room; is that right?</p> <p>4 A. Correct.</p> <p>5 Q. But you didn't see anyone smoking</p> <p>6 the marijuana.</p> <p>7 A. No.</p> <p>8 Q. And then later, around 9:00 o'clock</p> <p>9 that evening, Jimmy Fazekas flashed his</p> <p>10 flashlight at you, right? Is that right?</p> <p>11 A. Correct.</p> <p>12 Q. And that was a predetermined signal</p> <p>13 between you and Fazekas that if one of you</p> <p>14 got in trouble and needed help, that you</p> <p>15 would flash your flashlight to the other one,</p> <p>16 correct?</p> <p>17 A. Correct.</p> <p>18 Q. So there was a fight that had</p> <p>19 broken out; is that right?</p> <p>20 A. Yes, sir.</p> <p>21 Q. And the fight was between two male</p> <p>22 subjects, right?</p> <p>23 A. Yes.</p>	<p style="text-align: right;">Page 116</p> <p>1 Q. When you say your cars, I assume</p> <p>2 you mean Rainbow City Police Department's</p> <p>3 vehicles.</p> <p>4 A. Yes.</p> <p>5 Q. And do you drive that vehicle</p> <p>6 home?</p> <p>7 A. Yes.</p> <p>8 Q. And is that Taser kept in your</p> <p>9 vehicle at home?</p> <p>10 A. Inside my garage in a locked --</p> <p>11 inside the vehicle, I have a safe inside the</p> <p>12 back of my Tahoe.</p> <p>13 Q. A gun safe?</p> <p>14 A. Yes. Well, it's a safe.</p> <p>15 Q. Just a safe?</p> <p>16 A. Yes. I leave it in there. And I</p> <p>17 also have a back-up weapon I leave in</p> <p>18 there.</p> <p>19 Q. You leave it in your safe?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. And I'm not going to ask the</p> <p>22 combination or anything like that.</p> <p>23 A. You're not getting it.</p>

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1 Q. I wouldn't expect that I would.
 2 But that Taser that you have issued to you,
 3 does it ever stay at the police station?
 4 MS. CHANDLER: Object to the form.
 5
 6 A. Mine, no.
 7 Q. Okay. It stays in your vehicle.
 8 Does it stay locked in that safe until you go
 9 to serve a warrant or something like that?
 10 A. Yes.
 11 Q. So that night you were not carrying
 12 your Taser. And that night being January 16,
 13 2015.
 14 A. I was not.
 15 Q. Do you know if Jimmy Fazekas was
 16 carrying his Taser?
 17 A. I have no idea.
 18 Q. Okay. So you broke up the fight.
 19 And one of the male subjects pushed you in
 20 your chest; is that right?
 21 A. Yes.
 22 Q. And he didn't realize you were a
 23 police officer. And then he apologized after

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1 he realized you were a police officer,
 2 right?
 3 A. Correct.
 4 Q. But you could have arrested him if
 5 you had wanted to arrest him, right?
 6 A. Absolutely.
 7 Q. Because he struck a police officer,
 8 right?
 9 A. Absolutely.
 10 Q. And it didn't matter whether he
 11 knew you were a police officer. The fact
 12 that he struck a police officer means that
 13 you could have arrested him had you chose to,
 14 right?
 15 A. Correct.
 16 Q. That was in your discretion; is
 17 that right?
 18 A. Correct.
 19 Q. But you did not arrest him. You
 20 escorted him outside and told him he had to
 21 leave, right?
 22 A. Correct.
 23 Q. And that was a guy that had been

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1 involved in a fight in the middle of the
 2 concert hall, right?
 3 A. Correct.
 4 Q. After that, just as the concert was
 5 ending -- do you know why the concert was
 6 ending?
 7 A. I do not.
 8 Q. Have you subsequently heard that
 9 the concert ended because the rapper who was
 10 on the stage jumped off the stage and started
 11 a stampede in the crowd?
 12 A. I heard that as a rumor, but I just
 13 thought his act was up. I thought he was
 14 finished.
 15 Q. All right. But as it was ending, a
 16 high school student came to you, right?
 17 A. Yes.
 18 Q. And they said, Officer Gilliland,
 19 T■■■■ is passed out in the middle of the
 20 crowd. And you typed that into your
 21 statement, right?
 22 A. Correct.
 23 Q. So at that point, you had a name

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1 for the female that was passed out in the
 2 crowd, right?
 3 A. A first name, yes.
 4 Q. And you knew that that first name
 5 was T■■■■, right?
 6 A. I did.
 7 Q. And earlier you testified that you
 8 knew of T■■■■ prior to January 16, 2015,
 9 right?
 10 A. Correct.
 11 Q. And so you would recognize T■■■■ if
 12 you saw her, correct?
 13 A. I would.
 14 Q. Okay. You made your way through
 15 the crowd, right?
 16 A. Yes.
 17 Q. You got Jimmy Fazekas and you guys
 18 made your way through the crowd.
 19 A. I made my way through the crowd.
 20 Q. Okay.
 21 A. I could not find him.
 22 Q. Okay. So when you made your way
 23 through the crowd, you came up on a female

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1 lying on the floor; is that right?

2 A. Yes.

3 Q. Was she passed out at that time?

4 A. I believe she was shaking.

5 Q. And what did it appear to you was

6 happening to that female?

7 A. That she was having a seizure.

8 Q. In fact, that's what you typed in

9 your statement, right?

10 A. Correct.

11 Q. And you also typed that I have

12 always heard when someone is having a seizure

13 that you are supposed to hold their head and

14 body to make sure they do not harm

15 themselves. Do you recall typing that?

16 A. I do.

17 Q. And when you typed that, was that

18 truthful?

19 A. That was truthful.

20 Q. Okay. So then you went to the

21 subject that you knew to be who?

22 A. T[REDACTED].

23 Q. You knew to be Tiana

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1 A. Yes.

2 Q. And you started holding her head

3 making sure she didn't slam it up and down on

4 the floor, right?

5 A. I did.

6 Q. And is that because you were

7 concerned she was having a seizure?

8 A. Absolutely.

9 Q. And you wanted to make sure she

10 didn't harm herself.

11 A. Absolutely.

12 Q. Because you had always heard that

13 if someone was having a seizure, you should

14 hold their head, right?

15 A. Absolutely.

16 Q. And that's what you were doing.

17 A. Yes.

18 Q. All right. So at some point,

19 someone just came out of the crowd and picked

20 Tiana up, right?

21 A. Yes.

22 Q. And you refer to her in your

23 statement as the female subject, but it was

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1 actually Tiana, right?

2 A. Yes.

3 Q. And why do you refer to her in your

4 statement as a subject?

5 A. I guess I just forgot to put the

6 name.

7 Q. But at that point, she wasn't a

8 subject or anything like that, was she?

9 A. Oh, no. I guess I just forgot to

10 type her name.

11 Q. Okay. And it was a black male that

12 started towards the front of the concert hall

13 with Tiana on his shoulders, right?

14 A. It was.

15 Q. Then you got behind the person

16 carrying Tiana make sure that he could get

17 through the crowd; is that right?

18 A. Yes.

19 Q. And you started shining your

20 flashlight because at that point, Fazekas was

21 also there. So you and Fazekas started

22 shining your flashlights to let the crowd

23 know that police officers were coming

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1 through.

2 A. Exactly.

3 Q. Okay. But there is nothing special

4 about your flashlight that would let the

5 crowd know that those flashlights belonged to

6 police officers, right? They're just

7 flashlights?

8 A. Really bright flashlights, yes.

9 Q. Right. But I mean, they don't emit

10 like a bat signal that says police or

11 anything like that.

12 A. Correct.

13 Q. They're just flashlights.

14 A. Correct.

15 Q. Okay. So the black male and I came

16 to the front entrance of the concert hall.

17 Now, was Fazekas also there?

18 A. I don't remember.

19 Q. Okay. And it says, I then advised

20 other officers to call the paramedics. Tell

21 me who you advised to call the paramedics.

22 A. I have no idea who those officers

23 were. I just remember police officers being

<p style="text-align: right;">Page 125</p> <p>1 up there.</p> <p>2 Q. Were they Rainbow City police</p> <p>3 officers --</p> <p>4 A. Yes.</p> <p>5 Q. -- or were they officers from</p> <p>6 another city?</p> <p>7 A. Rainbow City police officers.</p> <p>8 Q. All right. So while waiting for</p> <p>9 the paramedics to get there to -- and you say</p> <p>10 the female subject, but we're talking about</p> <p>11 T■■■■, right?</p> <p>12 A. Right.</p> <p>13 Q. You said she started seizing again</p> <p>14 while sitting in the chair; is that right?</p> <p>15 A. Yes.</p> <p>16 Q. And you observed that.</p> <p>17 A. Yes.</p> <p>18 Q. And so now you had observed her</p> <p>19 doing it once on the floor, right?</p> <p>20 A. Correct.</p> <p>21 Q. In the concert hall. And then</p> <p>22 after she is carried from the concert hall to</p> <p>23 the front entrance and sat in a chair, you</p>	<p style="text-align: right;">Page 127</p> <p>1 Q. Exactly. So who were those other</p> <p>2 officers?</p> <p>3 A. I have no idea.</p> <p>4 Q. You don't recall?</p> <p>5 A. I really don't remember.</p> <p>6 Q. Have you ever made an independent</p> <p>7 investigation to find out who those officers</p> <p>8 were that helped you get her out of the chair</p> <p>9 onto the floor and hold her down?</p> <p>10 A. I have not.</p> <p>11 Q. You say we. And when you say we,</p> <p>12 do you mean the other officers and</p> <p>13 yourself?</p> <p>14 A. I do.</p> <p>15 Q. Okay. So you and the other</p> <p>16 officers placed the female subject, which we</p> <p>17 now know to be T■■■■, onto the floor and you</p> <p>18 started holding her so she couldn't harm</p> <p>19 herself, right?</p> <p>20 A. Correct.</p> <p>21 Q. And you held her for about how</p> <p>22 long?</p> <p>23 A. I believe I wrote one minute.</p>
<p style="text-align: right;">Page 126</p> <p>1 saw her doing it again, right?</p> <p>2 A. Correct.</p> <p>3 Q. So that's two that you have</p> <p>4 witnessed; is that right?</p> <p>5 A. At that point, yes.</p> <p>6 Q. And that's two that you had</p> <p>7 witnessed before George Morris Tased T.H. the</p> <p>8 first time, right?</p> <p>9 A. Correct.</p> <p>10 Q. And that's two that you had</p> <p>11 witnessed before George Morris Tased T■■■■</p> <p>12 the second time, right?</p> <p>13 A. Correct.</p> <p>14 Q. And at this point, you truly</p> <p>15 believe that she is suffering from those</p> <p>16 seizures, correct?</p> <p>17 A. Correct.</p> <p>18 Q. All right. So much so that you</p> <p>19 tell the other officers that you needed to</p> <p>20 get her on the floor and hold her down,</p> <p>21 right?</p> <p>22 A. Yes. So she couldn't hurt</p> <p>23 herself.</p>	<p style="text-align: right;">Page 128</p> <p>1 Q. Okay. That's sixty seconds,</p> <p>2 right?</p> <p>3 A. Correct.</p> <p>4 Q. And you say you held her for one</p> <p>5 minute and then she immediately stopped</p> <p>6 seizing. What do you mean when you say</p> <p>7 that?</p> <p>8 A. She wasn't shaking.</p> <p>9 Q. She just kind of snapped out of it,</p> <p>10 right?</p> <p>11 A. Yes.</p> <p>12 Q. And then she became what?</p> <p>13 A. I say angry.</p> <p>14 Q. Well, you typed irate.</p> <p>15 A. Irate, angry, yes.</p> <p>16 Q. And then she started cursing and</p> <p>17 yelling, let me go, right?</p> <p>18 A. Let me go you stupid mother</p> <p>19 fuckers, yes.</p> <p>20 Q. All right. Did you let her go?</p> <p>21 A. No, I did not.</p> <p>22 Q. Did the other officers let her</p> <p>23 go?</p>

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1 A. I don't remember.
 2 Q. Well, did she get up?
 3 A. She did not get up.
 4 Q. And could she walk away?
 5 A. I'm not her at that point. I don't
 6 know.
 7 Q. Well, you were holding her neck.
 8 MS. CHANDLER: Object to the form.
 9
 10 Q. Were you holding her head?
 11 A. Slightly at that point. Just
 12 enough to not move it around.
 13 Q. Demonstrate to me how you were
 14 holding her.
 15 A. This is her head. It wasn't like
 16 that (indicating).
 17 Q. I would hope not.
 18 A. It was kind of like just a firm
 19 hold so she couldn't -- like in case she
 20 started seizing again.
 21 Q. Were you holding her face on each
 22 side?
 23 A. Yes, with my palms.

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1 Q. With your palms out.
 2 A. With my palms.
 3 Q. And you were actually holding under
 4 the groove of her jaw?
 5 A. Kind of like you're giving somebody
 6 a massage.
 7 Q. Sure. And you were holding her
 8 that way, right?
 9 A. Yes.
 10 Q. And she was saying let me go.
 11 A. You mother fuckers.
 12 Q. Let me go -- actually, I think she
 13 called you stupid mother fuckers.
 14 A. Yeah. Let me go you stupid mother
 15 fuckers.
 16 Q. Right. But you guys didn't let her
 17 go.
 18 A. No.
 19 Q. In fact, you told her, calm down
 20 and stop fighting; is that right?
 21 MS. CHANDLER: Object to the form.
 22
 23 A. Correct.

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1 Q. And again, officers advised the
 2 subject, who we now know to be Ti■■ that you
 3 saw seizing twice, to calm down and stop
 4 fighting. At that point, did you tell the
 5 officers, well, I've seen her have two
 6 seizures, so she's not fighting, she's having
 7 seizures?
 8 MS. CHANDLER: Object to the form.
 9
 10 Q. Did you tell the officers that?
 11 A. I did not.
 12 Q. Did you notify the officers that
 13 she had had those two medical episodes, one
 14 in the concert hall and one in the chair?
 15 A. I did not.
 16 Q. And the officers were actually
 17 present in the front entrance when she had
 18 the second one, right, while she was sitting
 19 in the chair?
 20 MR. STUBBS: Object to the form.
 21
 22 A. Some officers, yes.
 23 Q. Some officers. And they saw what

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1 was happening.
 2 MS. CHANDLER: Object to the form.
 3
 4 Q. Is that right? Were they looking
 5 at Ti■■ when she had those seizures?
 6 MS. CHANDLER: Object to the form.
 7
 8 A. I don't know what they were looking
 9 at. I know what I was looking at.
 10 Q. Yes. Whether they were looking at
 11 her or not, you notified them what was
 12 happening, correct?
 13 A. Yes.
 14 Q. Okay. Now, it says, female began
 15 spitting and trying to bite me and the other
 16 officers; is that right?
 17 A. That is correct.
 18 Q. And that's after she had said let
 19 me go; is that right? You stupid mother
 20 fuckers.
 21 A. Correct.
 22 Q. And that's before Morris had Tased
 23 her the first time.

<p style="text-align: right;">Page 133</p> <p>1 A. Correct.</p> <p>2 Q. And that's before Morris had Tased</p> <p>3 her the second time.</p> <p>4 A. Correct.</p> <p>5 Q. But you write, I then grabbed the</p> <p>6 female's head and placed her into a rear neck</p> <p>7 restraint hold.</p> <p>8 A. Correct.</p> <p>9 Q. And when you typed that, was that</p> <p>10 accurate?</p> <p>11 A. Correct.</p> <p>12 Q. Explain to anyone who may read this</p> <p>13 later what a rear neck restraint hold is.</p> <p>14 A. In plainest terms, it would</p> <p>15 probably be a headlock. Take your arm around</p> <p>16 somebody's head like this, grab your hand</p> <p>17 like this and just hold that position.</p> <p>18 Q. What is that called? What level of</p> <p>19 force in the force continuum is that known</p> <p>20 as?</p> <p>21 A. I have no idea.</p> <p>22 Q. You don't?</p> <p>23 A. I don't.</p>	<p style="text-align: right;">Page 135</p> <p>1 into a rear neck restraint hold.</p> <p>2 MS. CHANDLER: Object to the form.</p> <p>3</p> <p>4 A. How I do it?</p> <p>5 Q. How does that escalate from you</p> <p>6 being present at a scene to the point that</p> <p>7 you have someone in a rear neck restraint</p> <p>8 hold?</p> <p>9 A. Someone biting and spitting at</p> <p>10 me.</p> <p>11 Q. All right. So you go straight to</p> <p>12 the rear neck restraint hold.</p> <p>13 A. After I've tried to hold her the</p> <p>14 other way, yes.</p> <p>15 Q. And after she's told you to let her</p> <p>16 go in the strongest language possible.</p> <p>17 MS. CHANDLER: Object to the form.</p> <p>18</p> <p>19 Q. Is that right?</p> <p>20 A. Let me go you stupid mother fucker,</p> <p>21 yes.</p> <p>22 Q. So this is after she's told you to</p> <p>23 let her go; is that right?</p>
<p style="text-align: right;">Page 134</p> <p>1 Q. Do you know what the force</p> <p>2 continuum is?</p> <p>3 MS. CHANDLER: Object to the form.</p> <p>4</p> <p>5 Q. You can answer.</p> <p>6 A. I do not.</p> <p>7 Q. Maybe I'm saying it wrong.</p> <p>8 A. Maybe.</p> <p>9 Q. Continuum. Continuum. Do you know</p> <p>10 what the force continuum is?</p> <p>11 MS. CHANDLER: Object to the form.</p> <p>12</p> <p>13 A. No.</p> <p>14 Q. I think I'm saying it right. Do</p> <p>15 you know what the levels of force -- how</p> <p>16 force is escalated by a police officer?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. Tell me.</p> <p>19 A. Explain to me what you want me to</p> <p>20 explain to you.</p> <p>21 Q. I want you to explain to me how you</p> <p>22 get from -- I want you to explain to me how</p> <p>23 you get to the point that you can put someone</p>	<p style="text-align: right;">Page 136</p> <p>1 A. Yes.</p> <p>2 Q. And this is after you have seen her</p> <p>3 having these seizures where there is nothing</p> <p>4 illegal about having a seizure, is there?</p> <p>5 A. No.</p> <p>6 Q. All right. So after she told you</p> <p>7 to let her go and she told the other officers</p> <p>8 to let her go, you said she was trying to</p> <p>9 bite me and the other officers. Were the</p> <p>10 other officers holding her head?</p> <p>11 A. I don't know. I don't remember.</p> <p>12 Q. Well, you were holding her head.</p> <p>13 A. Yes.</p> <p>14 Q. Was someone helping you?</p> <p>15 A. No.</p> <p>16 Q. So let me try it again. Were the</p> <p>17 other officers holding her head?</p> <p>18 A. No.</p> <p>19 Q. Okay. So what were they holding?</p> <p>20 A. One might have been holding her</p> <p>21 leg, and I believe someone was on the side of</p> <p>22 her trying to hold her arm.</p> <p>23 Q. Okay. Were they on both sides of</p>

<p style="text-align: right;">Page 137</p> <p>1 T.H.?</p> <p>2 A. I don't remember.</p> <p>3 Q. But you believe there was at least</p> <p>4 one officer on the side trying to hold her</p> <p>5 arm.</p> <p>6 A. Yes.</p> <p>7 Q. And you think one was holding her</p> <p>8 legs.</p> <p>9 A. Yes. At that point, yes.</p> <p>10 Q. At that point, was Morris there?</p> <p>11 A. I don't believe so.</p> <p>12 Q. At what point did Morris show up?</p> <p>13 A. It was seconds after that.</p> <p>14 Q. Seconds?</p> <p>15 A. Seconds, I believe.</p> <p>16 Q. So he shows up. And what's the</p> <p>17 first thing Morris does?</p> <p>18 A. If I remember right, he comes up</p> <p>19 and he's telling her to stop and if she</p> <p>20 doesn't stop, she's going to be Tased. I</p> <p>21 think it was, you need to calm down and</p> <p>22 stop.</p> <p>23 Q. Did he use some profanity?</p>	<p style="text-align: right;">Page 139</p> <p>1 of you need to calm down; is that right?</p> <p>2 A. Yes.</p> <p>3 Q. And to that response, she kept</p> <p>4 fighting officers and then stated to Sergeant</p> <p>5 Morris, yeah, go ahead and Tase me, mother</p> <p>6 fucker. That's what you recall her saying</p> <p>7 when Morris showed up.</p> <p>8 A. Correct.</p> <p>9 Q. And what happened immediately after</p> <p>10 T■■■■ told Morris to go ahead and Tase me,</p> <p>11 mother fucker?</p> <p>12 A. I witnessed Sergeant Morris Tase</p> <p>13 her.</p> <p>14 Q. Did he do it very quickly?</p> <p>15 A. I don't remember.</p> <p>16 Q. Well, was he wearing his Taser on</p> <p>17 his utility belt, or did he already have it</p> <p>18 in his hand?</p> <p>19 A. I can't remember.</p> <p>20 Q. You don't remember where he took</p> <p>21 the Taser from?</p> <p>22 A. I don't remember if it was in his</p> <p>23 hand when he walked up, if it was in his</p>
<p style="text-align: right;">Page 138</p> <p>1 A. I don't remember.</p> <p>2 Q. How is it you remember T■■■■ using</p> <p>3 profanity, but you don't remember whether or</p> <p>4 not Morris used profanity?</p> <p>5 MS. CHANDLER: Object to the form.</p> <p>6</p> <p>7 Q. You can answer.</p> <p>8 A. Because it was me, and I was</p> <p>9 holding her head slightly to begin with like</p> <p>10 I told you. And --</p> <p>11 Q. Well, at that point, you had</p> <p>12 grabbed her head when Morris showed up,</p> <p>13 right?</p> <p>14 MS. CHANDLER: Object to the</p> <p>15 form.</p> <p>16</p> <p>17 A. Yes.</p> <p>18 Q. Those were your words that you</p> <p>19 wrote right here. I then grabbed the</p> <p>20 female's head, right?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. So when Morris showed up,</p> <p>23 you believe he said something to the effect</p>	<p style="text-align: right;">Page 140</p> <p>1 Taser holster. I don't remember.</p> <p>2 Q. But Morris had the Taser. And he</p> <p>3 drive stunned the female subject, which we</p> <p>4 know to be T■■■■ right?</p> <p>5 A. Yes.</p> <p>6 Q. Did you have time to tell Morris,</p> <p>7 hey, she just had two seizures?</p> <p>8 A. I don't believe so at that point.</p> <p>9 Q. Did you have time to tell Morris</p> <p>10 between the first Tase and the second Tase</p> <p>11 that you had witnessed her having two</p> <p>12 seizures, one on the floor and one in the</p> <p>13 chair?</p> <p>14 A. They were engaged in conversation.</p> <p>15 It was really loud around me, so I didn't</p> <p>16 have time.</p> <p>17 Q. Well, it was loud enough for you to</p> <p>18 hear T■■■■ call you, as you say, mother</p> <p>19 fuckers.</p> <p>20 A. Because I was right beside her</p> <p>21 mouth, her head. I'm looking down at her</p> <p>22 head. She is right there beside me.</p> <p>23 Q. And where was Morris?</p>

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1 A. Up there by her feet. Down there
 2 by her feet standing above her.
 3 Q. Okay. So you're saying it was so
 4 loud that you could not hear the conversation
 5 that Morris was having with T[REDACTED] even though
 6 she's only about five feet tall.
 7 MR. HOWARD: Object to the form.
 8
 9 A. The whole conversation, no. I
 10 heard parts of it.
 11 Q. And you heard Morris tell her that
 12 she needed to calm down or he's going to Tase
 13 her.
 14 A. I heard that part.
 15 Q. And when you heard Morris say that,
 16 did you say, hey, no, wait, don't Tase her?
 17 Did you try to stop him from Tasing her?
 18 A. No. She immediately answered for
 19 me. She immediately answered, go ahead and
 20 Tase me, mother fucker, or something like
 21 that.
 22 Q. Yeah. You got it right. You have
 23 it in quotes. So when you quote something,

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1 typically that means that's exactly what I
 2 heard.
 3 A. Correct.
 4 Q. And so that's exactly what you
 5 heard?
 6 A. Yes.
 7 Q. Now, I don't see anything by
 8 Sergeant Morris, what he told T[REDACTED]. I don't
 9 see anything in quotes. Did you quote
 10 anything Sergeant Morris said?
 11 A. No.
 12 Q. But you heard bits and pieces of
 13 what he said, right?
 14 A. Correct.
 15 Q. But you didn't think to quote any
 16 of that?
 17 A. No.
 18 Q. And when you typed this statement,
 19 you wanted it to be as thorough and accurate
 20 as possible, right?
 21 A. Absolutely.
 22 Q. Now, Sergeant Morris then advised
 23 the female subject, which we know to be T.H.,

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1 that if she would stop fighting, he would not
 2 Tase her anymore. Do you remember that?
 3 A. Say it again.
 4 Q. It says, Sergeant Morris then
 5 advised the -- wait. Let me find it again.
 6 A. Yes. That's correct.
 7 Q. All right. And when he said I
 8 won't Tase you, you heard Sergeant Morris say
 9 that, right?
 10 A. Correct.
 11 Q. When you heard Sergeant Morris say
 12 that, you didn't say, hey, certainly don't
 13 Tase her anymore. She's having a medical
 14 emergency.
 15 A. No. She immediately answered. I
 16 didn't have time. She immediately spoke, and
 17 I didn't have time.
 18 Q. What did she say?
 19 A. Fuck you, pig.
 20 Q. Now, fuck you, pig, is it a crime
 21 to say that?
 22 A. That could be a crime, depending on
 23 where you're at.

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1 Q. Well, in Rainbow City, Alabama on
 2 January 16, 2015, was it a crime?
 3 A. That could be disorderly conduct,
 4 yes, it could be.
 5 Q. Does it rise to the level of the
 6 use of a Taser?
 7 MS. CHANDLER: Object to the form.
 8
 9 A. Not in my opinion.
 10 Q. What about in the opinion of the
 11 Rainbow City Police Department use of force
 12 policy?
 13 MS. CHANDLER: Object to the form.
 14 MR. HOWARD: Object to the form.
 15 MR. STUBBS: Object to the form.
 16
 17 Q. You can answer.
 18 MS. CHANDLER: To the extent you
 19 know.
 20
 21 Q. Yes, certainly to the extent you
 22 know, I would love for you to answer that.
 23 A. I have no idea.

<p style="text-align: right;">Page 145</p> <p>1 Q. All right. Did you ever think to 2 say, you should not be Tasing someone, in my 3 opinion, just for saying fuck you, pig? 4 A. I mean, we weren't sitting at a 5 table like me and you are talking. 6 Q. Right. 7 A. It's hostile all over the place. 8 People are coming in and out. She and 9 Sergeant Morris are speaking to each other. 10 I don't think I really had time to intervene 11 in their conversation they were having. 12 Q. And I've heard that more than once 13 that it was chaotic and hostile. Did any 14 Rainbow City police officer ever secure the 15 area? Was it that hostile that the area 16 needed to be secured? 17 MS. CHANDLER: Object to the form. 18 19 Q. You can answer. In your opinion. 20 A. In my opinion, I was just trying to 21 take care of -- I was trying to tend to 22 her. 23 Q. And why were you trying to tend to</p>	<p style="text-align: right;">Page 147</p> <p>1 in front of you, which was T.H., and what was 2 happening with her; is that correct? 3 A. Correct. 4 Q. And everything else that was 5 happening around you was just kind of 6 background noise, if you will. 7 A. I don't even know if I heard 8 anything. 9 Q. That's fair. That's fair. Now, 10 when George Morris Tased T■■■■ the second 11 time, he was standing, correct? Before he 12 Tased her. 13 A. I believe he had to bend over. 14 Q. Right. So in that period of time, 15 George Morris is standing up, right? Is that 16 right? He is standing like this 17 (indicating). 18 A. Correct. 19 Q. And he is standing over T■■■■? 20 A. Yes. 21 Q. Okay. And she's lying on the 22 floor; is that right? 23 A. Yes.</p>
<p style="text-align: right;">Page 146</p> <p>1 her? Is it because you thought she was 2 having a medical condition? 3 MS. CHANDLER: Object to the form. 4 5 Q. You can answer. 6 A. At the beginning, yes. 7 Q. Okay. But what about after he 8 Tased her the second time? 9 A. From the time that I first came in 10 contact with her -- 11 Q. Yes, sir. 12 A. -- until the point we're up to 13 now -- 14 Q. Yes, sir. 15 A. -- my concentration and my job -- 16 not job. My objective was her and nothing 17 else. I wasn't thinking about manning the 18 doors or getting people in and out. She was 19 my objective at that point. 20 Q. If I say tunnel vision, would that 21 be an accurate description of what you had? 22 A. Yes. 23 Q. You were focused on the situation</p>	<p style="text-align: right;">Page 148</p> <p>1 Q. And you are at her head holding her 2 head, right? 3 A. Yes. And he's in front of me like 4 you. 5 Q. So you're looking up at George 6 Morris; is that right? 7 A. Every few seconds, I look up and 8 I'll see him. 9 Q. So every few seconds, you're 10 looking up and you see George Morris. Did 11 you see him start to bend over to Tase her 12 again? 13 A. Yes. 14 Q. And in that period of time that you 15 saw him starting to bend over to Tase her 16 again, did you know he was about to Tase 17 her? 18 A. I didn't know if he was going to 19 Tase her or not. 20 Q. Did you think he was? 21 MR. HOWARD: Object to the form. 22 23 Q. And I'm talking about the second</p>

<p style="text-align: right;">Page 149</p> <p>1 time. Did you think he was going to Tase her</p> <p>2 after she said, fuck you, pig?</p> <p>3 A. I didn't know whether he was going</p> <p>4 to. I mean, I had no idea. I mean, he could</p> <p>5 have got halfway down there and stopped. I</p> <p>6 have no idea.</p> <p>7 Q. When he started toward her, did you</p> <p>8 ever say, hey, don't Tase her?</p> <p>9 A. I don't think there was time.</p> <p>10 Q. Do you think he should have Tased</p> <p>11 her? In your opinion, as a Rainbow City</p> <p>12 police officer who has been APOST certified</p> <p>13 for six years, should George Morris have</p> <p>14 Tased Tiara the second time for saying fuck</p> <p>15 you, pig?</p> <p>16 A. I can't make that decision for</p> <p>17 him.</p> <p>18 Q. Would you have Tased her?</p> <p>19 MS. CHANDLER: Object to the</p> <p>20 form.</p> <p>21</p> <p>22 A. I'm not in that position.</p> <p>23 Q. I'm asking if you were in the same</p>	<p style="text-align: right;">Page 151</p> <p>1 Q. You can answer.</p> <p>2 A. I'm not George Morris.</p> <p>3 Q. I said based on what you observed</p> <p>4 as a reasonable officer on the scene on</p> <p>5 January 16, 2015, was it necessary for George</p> <p>6 Morris to Tase T[REDACTED] the first time?</p> <p>7 MS. CHANDLER: Object to the form.</p> <p>8</p> <p>9 Q. You can answer.</p> <p>10 MS. CHANDLER: To the extent that</p> <p>11 it calls for a legal conclusion.</p> <p>12 MR. HARP: It doesn't call for a</p> <p>13 legal conclusion. It calls for the opinion</p> <p>14 of a reasonable officer on the scene.</p> <p>15</p> <p>16 A. Every officer's action is</p> <p>17 different. I can't tell you what I would</p> <p>18 have done in that position. I wasn't in it.</p> <p>19 Q. Do you consider yourself to be a</p> <p>20 reasonable and prudent officer?</p> <p>21 A. I do.</p> <p>22 Q. So do you consider George Morris to</p> <p>23 be a reasonable and prudent officer?</p>
<p style="text-align: right;">Page 150</p> <p>1 position he was, which you were there that</p> <p>2 night, so you know what position he was in.</p> <p>3 He wasn't in danger because you testified</p> <p>4 about that earlier, correct?</p> <p>5 MS. CHANDLER: Object to the form.</p> <p>6</p> <p>7 Q. Is that correct?</p> <p>8 A. I do not know if I would have Tased</p> <p>9 her.</p> <p>10 Q. Do you think you would have?</p> <p>11 MR. HOWARD: Object to the form.</p> <p>12 MS. CHANDLER: Object to the form.</p> <p>13 MR. STUBBS: Object to the form.</p> <p>14</p> <p>15 A. I would just have to be in that</p> <p>16 situation.</p> <p>17 Q. Okay. Well, based upon what you</p> <p>18 observed, as a reasonable officer on the</p> <p>19 scene, was it necessary for George Morris to</p> <p>20 Tase Tiara the first time?</p> <p>21 MS. CHANDLER: Object to the form.</p> <p>22 MR. STUBBS: Object to the form.</p> <p>23</p>	<p style="text-align: right;">Page 152</p> <p>1 A. I don't really think much about</p> <p>2 him.</p> <p>3 Q. Tell me what you mean by that.</p> <p>4 A. I don't worry about anybody else</p> <p>5 but myself. I mean, I'm not saying worry. I</p> <p>6 don't really -- I mean, I don't think of</p> <p>7 other people. I just worry about myself.</p> <p>8 Q. Okay. After George Morris Tased</p> <p>9 T.H. the second time, that's when you felt</p> <p>10 the bump in the back, correct?</p> <p>11 A. Yes.</p> <p>12 Q. And when you felt that bump in the</p> <p>13 back, you turned around. Did you get up off</p> <p>14 the floor, or did you just turn your head?</p> <p>15 A. I believe I just turned my head at</p> <p>16 that point.</p> <p>17 Q. You turned your head and you saw an</p> <p>18 older female with long hair, right?</p> <p>19 A. Correct.</p> <p>20 Q. And you couldn't see her face,</p> <p>21 right?</p> <p>22 A. I could not.</p> <p>23 Q. But then you turned to Jimmy</p>

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1 Fazekas and you yell for him to get the older
 2 female off your back. At the point that you
 3 yelled to Fazekas to get the older female off
 4 your back, was the older female actually on
 5 your back?
 6 A. Let me explain that. She was kind
 7 of like hovering over my back, like over me.
 8 And the only thing going through my mind at
 9 that time was, hey, I've got a gun. Somebody
 10 is on my back. I don't know what they want.
 11 And --
 12 Q. But there had been people passing
 13 back and forth the entire time, right?
 14 A. They weren't on my back.
 15 Q. Well, she was just hovering, right?
 16 You said hovering.
 17 A. No, sorry, not hovering.
 18 Q. Was she physically clamped on to
 19 your back?
 20 A. Physically trying to move me out of
 21 the way.
 22 Q. And you were wearing a shirt very
 23 similar to the one you have on today,

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1 right?
 2 A. Correct.
 3 Q. And did you have anything on your
 4 back to identify that you were a police
 5 officer?
 6 A. A pair of handcuffs.
 7 Q. That's it?
 8 A. Yes.
 9 Q. Okay. And when you yelled for
 10 Fazekas to get this older female out of your
 11 back, what did he do? He tried to grab ahold
 12 of the female's arm and pull her out of the
 13 way?
 14 A. Correct.
 15 Q. And then you saw Fazekas was unable
 16 to get ahold of the older female and move her
 17 away from the situation, so then you let go
 18 of T.H.'s head, right?
 19 A. Correct.
 20 Q. And that was the first time since
 21 you typed earlier, I grabbed the female's
 22 head and placed her into a rear neck
 23 restraint hold that you had let go of Tiara's

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1 head, correct?
 2 A. Correct.
 3 Q. So from the time that you typed, I
 4 placed her into a rear neck restraint hold
 5 until you noticed that Fazekas could not get
 6 ahold of the older female's arm, you had T.H.
 7 in a rear neck restraint hold; is that
 8 right?
 9 A. Correct.
 10 Q. And then you immediately told the
 11 older female subject that she needed to move
 12 away from the officers. Now, you have an
 13 apostrophe "s" there. Is that just a typo,
 14 or is that an incomplete thought?
 15 A. That meant --
 16 Q. Get away from the officers.
 17 A. Yes.
 18 Q. So that apostrophe "s" shouldn't be
 19 there.
 20 A. No. Right.
 21 Q. All right. So she should just move
 22 away from the officers and let us attend to
 23 the younger female. So what happened?

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1 A. The older female, as I wrote,
 2 refused to get away from the situation and
 3 began yelling let me go.
 4 Q. Okay. You then got behind her and
 5 grabbed her under the armpits, right?
 6 A. I did.
 7 Q. You pulled her backwards out of the
 8 front hall and escorted her to the front of
 9 the building, right?
 10 A. I did.
 11 Q. And we're talking about a distance
 12 of about four feet, right?
 13 A. From here to him (indicating).
 14 Q. All right. About seven feet; is
 15 that right?
 16 A. Uh-huh (affirmative response).
 17 Well, not even that long. I'm sorry.
 18 Q. Well, two, four, six, eight, ten.
 19 That's ten feet from you to Mr. Howard at the
 20 end of the table.
 21 A. Okay.
 22 Q. So ten feet?
 23 A. From me to him (indicating).

<p style="text-align: right;">Page 157</p> <p>1 Q. To Mr. Stone?</p> <p>2 A. Yes.</p> <p>3 Q. All right. So about six feet.</p> <p>4 A. Yes.</p> <p>5 Q. Okay. So you dragged her backwards</p> <p>6 about six feet. And we're talking about the</p> <p>7 older female, right?</p> <p>8 A. Correct.</p> <p>9 Q. You get her outside. Had the older</p> <p>10 female been Tased at that point?</p> <p>11 A. I have no idea.</p> <p>12 Q. Well, do you know who Tased the</p> <p>13 older female?</p> <p>14 A. I still don't know to this day who</p> <p>15 Tased the older female.</p> <p>16 Q. You don't?</p> <p>17 A. I have no idea.</p> <p>18 Q. Okay. Well, let's do it this way.</p> <p>19 When you got her to the front of the</p> <p>20 building, you looked at Gary Morgan, right?</p> <p>21 A. Uh-huh (affirmative response).</p> <p>22 Q. And he was helping you escort the</p> <p>23 older female outside the building, right?</p>	<p style="text-align: right;">Page 159</p> <p>1 Q. At the time that you went back</p> <p>2 inside, Officer Morgan had placed the older</p> <p>3 female in cuffs; is that right?</p> <p>4 A. Correct.</p> <p>5 Q. Then you went back inside.</p> <p>6 A. Correct.</p> <p>7 Q. At the time that Officer Morgan</p> <p>8 placed the older female in cuffs, you went</p> <p>9 back inside to help with T.H., right?</p> <p>10 A. Correct.</p> <p>11 Q. So your interaction with Officer</p> <p>12 Morgan and the older female consisted of you</p> <p>13 taking the older female outside and then</p> <p>14 telling Officer Morgan to cuff the older</p> <p>15 female, right?</p> <p>16 A. Correct.</p> <p>17 Q. Between the time that you got the</p> <p>18 older female outside and the time that you</p> <p>19 saw Officer Morgan put handcuffs on the older</p> <p>20 female, did you see Officer Morgan Tase the</p> <p>21 older female?</p> <p>22 A. Not at all.</p> <p>23 Q. Between the time that the older</p>
<p style="text-align: right;">Page 158</p> <p>1 A. Correct.</p> <p>2 Q. And then you carried her to the</p> <p>3 front bricks that were just outside Center</p> <p>4 Stage Concert Hall, right?</p> <p>5 A. Correct.</p> <p>6 Q. And then you told Officer Morgan to</p> <p>7 cuff the older female and detain her for the</p> <p>8 moment; is that right?</p> <p>9 A. Correct.</p> <p>10 Q. At no time did I, Detective</p> <p>11 Gilliland, place the older female under</p> <p>12 arrest; is that right?</p> <p>13 A. Correct. At that point, she was</p> <p>14 just being detained.</p> <p>15 Q. And why was that important for you</p> <p>16 to write?</p> <p>17 A. I wanted to make sure it was clear</p> <p>18 that at no point did I arrest this woman. I</p> <p>19 was just detaining her for safety.</p> <p>20 Q. Okay. As soon as I seen that</p> <p>21 Officer Morgan had placed the older female in</p> <p>22 cuffs, you went back inside, right?</p> <p>23 A. Correct.</p>	<p style="text-align: right;">Page 160</p> <p>1 female was grabbed under the armpits by you</p> <p>2 inside the front entrance to the time that</p> <p>3 you saw Officer Morgan cuff the older female,</p> <p>4 did you see Officer Morgan Tase the older</p> <p>5 female?</p> <p>6 A. Can I pause for a minute?</p> <p>7 Q. Sure.</p> <p>8 A. This is dispatch. I need to get</p> <p>9 it.</p> <p>10 Q. Sure.</p> <p>11</p> <p>12 (Whereupon, a brief recess was</p> <p>13 taken.)</p> <p>14</p> <p>15 Q. Okay. Just so I'm clear, you saw</p> <p>16 Officer Morgan place the older female in</p> <p>17 cuffs; is that correct?</p> <p>18 A. Correct.</p> <p>19 Q. And you had control of the older</p> <p>20 female from the time she left the front</p> <p>21 entrance of Center Stage to the time Officer</p> <p>22 Morgan placed her in cuffs, correct?</p> <p>23 MS. CHANDLER: Object to the</p>

<p style="text-align: right;">Page 161</p> <p>1 form.</p> <p>2</p> <p>3 A. There is a set of bricks out there</p> <p>4 in front of the concert venue. When I got to</p> <p>5 the set of blocks -- I was pulling her out,</p> <p>6 but when I got to the rocks, I believe</p> <p>7 Officer Morgan helped me lay the older female</p> <p>8 over like this while we both got her hands</p> <p>9 and put them behind her back. And at that</p> <p>10 point, I said cuff her.</p> <p>11 Q. Cuff her. And what did that mean</p> <p>12 to you when you told Officer Morgan to cuff</p> <p>13 her?</p> <p>14 A. Cuff her until we get this</p> <p>15 situation resolved for safety.</p> <p>16 Q. Well, so you didn't consider the</p> <p>17 older female to be under arrest.</p> <p>18 A. Not me, no.</p> <p>19 Q. Did you consider her to be</p> <p>20 detained?</p> <p>21 A. Yes. We detain people all the time</p> <p>22 and don't arrest them.</p> <p>23 Q. And when you detain them, they are</p>	<p style="text-align: right;">Page 163</p> <p>1 her back, right?</p> <p>2 A. Correct.</p> <p>3 Q. And you didn't see Officer Morgan</p> <p>4 Tase the older female from the time that you</p> <p>5 put her into the detainment of Officer</p> <p>6 Morgan, did you?</p> <p>7 A. Not once.</p> <p>8 Q. Okay. Are you aware that Officer</p> <p>9 Morgan is the one that Tased the older</p> <p>10 female?</p> <p>11 A. I was told that just by rumor.</p> <p>12 Q. Okay. Because I thought you said</p> <p>13 to this day, you don't know who Tased her.</p> <p>14 A. I've heard rumors.</p> <p>15 Q. What rumors have you heard?</p> <p>16 A. That Officer Morgan Tased her, but</p> <p>17 I didn't know the truth. I mean, I hear</p> <p>18 rumors all the time.</p> <p>19 Q. When you heard that rumor, did you</p> <p>20 say, well, that can't be true because she was</p> <p>21 in handcuffs when I left her with Morgan?</p> <p>22 A. I don't discuss anything with</p> <p>23 anybody.</p>
<p style="text-align: right;">Page 162</p> <p>1 technically in police custody at that point,</p> <p>2 right?</p> <p>3 A. Correct.</p> <p>4 Q. When those handcuffs go on you</p> <p>5 behind your back, you are in custody,</p> <p>6 right?</p> <p>7 A. For officer's safety, yes.</p> <p>8 Q. For officer's safety.</p> <p>9 A. Yes.</p> <p>10 Q. And the reason you put them in</p> <p>11 handcuffs is because the officer is</p> <p>12 considered safe at that point, right? Their</p> <p>13 hands are bound behind their back; is that</p> <p>14 right?</p> <p>15 MS. CHANDLER: Object to the form.</p> <p>16</p> <p>17 Q. When you handcuffed the older</p> <p>18 female, her hands were behind her back.</p> <p>19 A. We're more safe than we was five</p> <p>20 seconds ago.</p> <p>21 Q. Sure. And when you cuffed the</p> <p>22 older female -- or when Officer Morgan cuffed</p> <p>23 the older female, he cuffed her hands behind</p>	<p style="text-align: right;">Page 164</p> <p>1 Q. But did you think that in your</p> <p>2 head? Did you ever think, how in the world</p> <p>3 could Morgan have Tased her because she was</p> <p>4 in handcuffs?</p> <p>5 MR. HOWARD: Object to the form.</p> <p>6</p> <p>7 A. I don't remember.</p> <p>8 Q. You don't remember thinking that?</p> <p>9 A. I don't remember. What I'm saying</p> <p>10 is, I don't remember what I thought when I</p> <p>11 heard that.</p> <p>12 Q. Does it puzzle you that she was</p> <p>13 Tased by Morgan, and when you left her with</p> <p>14 Morgan, she was in handcuffs?</p> <p>15 MS. CHANDLER: Object to the form.</p> <p>16</p> <p>17 A. Now, what are you saying?</p> <p>18 Q. Is it weird to you that she was</p> <p>19 Tased by Officer Morgan, but when you left</p> <p>20 her with Officer Morgan, her hands were</p> <p>21 behind her back and she was in handcuffs?</p> <p>22 MS. CHANDLER: Object to the form.</p> <p>23</p>

<p style="text-align: right;">Page 165</p> <p>1 Q. You can answer.</p> <p>2 A. I had no idea she was Tased.</p> <p>3 Q. Right. But now that you know.</p> <p>4 A. Is this true?</p> <p>5 Q. Is it true? I'm not making it up.</p> <p>6 A. I mean, what I'm asking is, I don't</p> <p>7 know.</p> <p>8 Q. Well, I'll tell you what we'll do,</p> <p>9 because it's really not fair to ask you</p> <p>10 questions that you don't have any proof of.</p> <p>11 A. Okay.</p> <p>12 Q. So I'm going to show you what I</p> <p>13 will mark as Plaintiff's Exhibit Number 5 to</p> <p>14 your deposition. And by way of further</p> <p>15 identification, that is the officer's use of</p> <p>16 force form report that is filled out by Gary</p> <p>17 Morgan.</p> <p>18</p> <p>19 (Plaintiff's Exhibit Number 5 was</p> <p>20 marked for identification and same is</p> <p>21 attached hereto.)</p> <p>22</p> <p>23 Q. I'll let you take a look at that</p>	<p style="text-align: right;">Page 167</p> <p>1 because you're the police officer.</p> <p>2 A. Force to me would be using a Taser,</p> <p>3 using a gun, using a baton.</p> <p>4 Q. Chemical agent?</p> <p>5 A. Pepper spray.</p> <p>6 Q. Right.</p> <p>7 A. If you're asking that, I've never</p> <p>8 sprayed anyone.</p> <p>9 Q. What about hard hands?</p> <p>10 A. I've taken someone to the ground</p> <p>11 before.</p> <p>12 Q. Did you fill out a use of force</p> <p>13 report?</p> <p>14 A. No. I was just cuffing them.</p> <p>15 Q. Is there a policy at the Rainbow</p> <p>16 City Police Department that if you go to hard</p> <p>17 hands, you have to fill out a use of force</p> <p>18 form report?</p> <p>19 A. I'm not sure.</p> <p>20 Q. You're not sure?</p> <p>21 A. I'm not sure. I've never had to</p> <p>22 fill one out.</p> <p>23 Q. All right. So you know what this</p>
<p style="text-align: right;">Page 166</p> <p>1 and then I'll ask you some questions about</p> <p>2 it.</p> <p>3 A. (Witness reviewing document.)</p> <p>4 Q. Have you ever seen this document</p> <p>5 before? And not this document, but a copy of</p> <p>6 this document that we have marked as</p> <p>7 Plaintiff's Exhibit Number 5.</p> <p>8 A. I've never seen this document.</p> <p>9 Q. Do you know what this document</p> <p>10 is?</p> <p>11 A. Yes. I've heard of a use of force</p> <p>12 report, but I've never seen one.</p> <p>13 Q. You've never seen one before? Have</p> <p>14 you ever used force during your years at the</p> <p>15 Rainbow City Police Department?</p> <p>16 A. I've never had to fill out one of</p> <p>17 these since working there.</p> <p>18 Q. That's a different answer to a</p> <p>19 different question. My question was, have</p> <p>20 you ever used force during your time at the</p> <p>21 Rainbow City Police Department?</p> <p>22 A. Define force.</p> <p>23 Q. Well, you define force for me</p>	<p style="text-align: right;">Page 168</p> <p>1 form is though, right?</p> <p>2 A. I've heard of this form.</p> <p>3 Q. But you've never seen one.</p> <p>4 A. I've never seen one.</p> <p>5 Q. This is the first time you've ever</p> <p>6 seen a use of force form for the Rainbow City</p> <p>7 Police Department.</p> <p>8 A. That is the first time in my life</p> <p>9 I've ever seen this document.</p> <p>10 Q. Okay. And not this filled out</p> <p>11 document, but just the form in general.</p> <p>12 A. Right.</p> <p>13 Q. Do you know who Gary L. Morgan</p> <p>14 is?</p> <p>15 A. I do.</p> <p>16 Q. Who is Gary L. Morgan?</p> <p>17 A. Gary L. Morgan is a former patrol</p> <p>18 officer at the Rainbow City Police</p> <p>19 Department.</p> <p>20 Q. Do you know why he is a former</p> <p>21 officer at the Rainbow City Police</p> <p>22 Department?</p> <p>23 A. I do not. Rumors.</p>

<p style="text-align: right;">Page 169</p> <p>1 Q. What rumors have you heard?</p> <p>2 A. He had a bad attitude problem,</p> <p>3 showing up late to work.</p> <p>4 MR. HARP: Okay. Let's go off the</p> <p>5 record for a second.</p> <p>6</p> <p>7 (Whereupon, a brief recess was</p> <p>8 taken.)</p> <p>9</p> <p>10 Q. Okay. We're back on the record,</p> <p>11 Mr. Gilliland. We were visiting about the</p> <p>12 officer use of force form report that was</p> <p>13 filled out by Gary Morgan. And we were</p> <p>14 talking about what the rumors were you had</p> <p>15 heard concerning his departure from the</p> <p>16 Rainbow City Police Department. And two of</p> <p>17 the things you mentioned were, you heard he</p> <p>18 had a bad attitude and he was always coming</p> <p>19 in to work late; is that right?</p> <p>20 A. Just a general bad employee.</p> <p>21 Q. Okay. And you would agree with me</p> <p>22 that as a police officer, it's not good to be</p> <p>23 a bad employee, right?</p>	<p style="text-align: right;">Page 171</p> <p>1 That says that the shift supervisor is</p> <p>2 Sergeant Spurling. According to Sergeant</p> <p>3 John Bryant, he says that that is the</p> <p>4 signature of Sergeant Spurling. Do you know</p> <p>5 Sergeant Spurling?</p> <p>6 A. I do.</p> <p>7 Q. Is Sergeant Spurling a shift</p> <p>8 supervisor? Would he have been a shift</p> <p>9 supervisor on January 16, 2015?</p> <p>10 A. I'm not sure.</p> <p>11 Q. Okay. Now, do you see where it</p> <p>12 says the synopsis of events?</p> <p>13 A. Yes, I do.</p> <p>14 Q. Officers were rendering aid to a</p> <p>15 female when the female became combative. The</p> <p>16 female's mother, Michelle Helm, became</p> <p>17 combative toward officers. Officers told</p> <p>18 Helm to get back and calm down. Helm would</p> <p>19 not comply and was Tased and arrested. Do</p> <p>20 you see that?</p> <p>21 A. I do.</p> <p>22 Q. Now, if this report as it says was</p> <p>23 completed by Gary Morgan, does that comport</p>
<p style="text-align: right;">Page 170</p> <p>1 MR. HOWARD: Object to the form.</p> <p>2</p> <p>3 Q. You can answer.</p> <p>4 A. I've seen guys with a bad attitude</p> <p>5 be awesome cops.</p> <p>6 Q. Have you seen guys with bad</p> <p>7 attitudes be bad cops?</p> <p>8 A. Define bad.</p> <p>9 Q. Well, I'm not sure. I guess that's</p> <p>10 a moving target. So I'm not sure that I can.</p> <p>11 Let me ask you this. This report, if you</p> <p>12 turn to the second page, have you ever seen</p> <p>13 the signature of Chief Carroll, Greg</p> <p>14 Carroll?</p> <p>15 A. Yes, I have.</p> <p>16 Q. Down at the bottom where it says</p> <p>17 reviewed by Chief of Police, do you recognize</p> <p>18 that signature?</p> <p>19 A. Slightly. I notice the M. He</p> <p>20 writes the M spaced out.</p> <p>21 Q. Okay. All right.</p> <p>22 A. Who does this say the Sergeant is?</p> <p>23 Q. Well, that's an interesting thing.</p>	<p style="text-align: right;">Page 172</p> <p>1 with your recollection of how Michelle Helm</p> <p>2 came to be arrested that night?</p> <p>3 MS. CHANDLER: Object to the form.</p> <p>4</p> <p>5 Q. That night, being January 16, 2015.</p> <p>6 A. I've got a problem with some of the</p> <p>7 wording.</p> <p>8 Q. What words do you have a problem</p> <p>9 with?</p> <p>10 A. Combative.</p> <p>11 Q. What is your problem?</p> <p>12 A. Myself, I've got different meanings</p> <p>13 for combative. Combative is trying to hit me</p> <p>14 in the face.</p> <p>15 Q. And was Michelle Helm ever trying</p> <p>16 to hit you in the face?</p> <p>17 A. Not me.</p> <p>18 Q. Was she trying to hit anyone that</p> <p>19 you saw in the face?</p> <p>20 A. I never saw anybody else. Just me.</p> <p>21 Q. Did she ever try to hit you in the</p> <p>22 face?</p> <p>23 A. No.</p>

<p style="text-align: right;">Page 173</p> <p>1 Q. And when you took her outside and 2 she met Officer Morgan and you and he put her 3 hands behind her back, did she ever try to 4 hit Officer Morgan in the face? 5 A. I don't think she had a chance 6 to. 7 Q. Because you took her outside and 8 put her in handcuffs, right? 9 A. Correct. 10 Q. So the answer to the question, did 11 she try to hit Officer Morgan in the face, 12 would be what? 13 MS. CHANDLER: Object to the form. 14 15 A. Not to my knowledge. 16 Q. What other words do you have a 17 problem with in Officer Morgan's synopsis? 18 A. I had no idea that this was T.H.'s 19 mother. I don't know if he knows them 20 personally, but I don't know -- and he may 21 know them because I've heard rumors that a 22 lot of people around Rainbow City know them. 23 So not with him, but he put the</p>	<p style="text-align: right;">Page 175</p> <p>1 Michelle Helm, you took her outside to 2 Morgan, right? 3 A. Yes. 4 Q. And if the same person that you 5 took outside to Morgan and turned around and 6 put her hands behind her back and he put her 7 handcuffs on was Michelle Helm, that all 8 happened outside, right? 9 A. Correct. 10 Q. So earlier you testified that from 11 the time you took her outside to the time she 12 was placed in handcuffs, you did not see 13 Morgan Tase Michelle Helm, right, or the 14 older female, if that was Michelle Helm? 15 A. I did not. 16 Q. So when an officer puts a person in 17 handcuffs -- let me back up to even before 18 that. Michelle Helm was arrested, right, 19 according to Morgan's report? 20 A. This is something that I heard -- I 21 had no idea a woman was arrested until later 22 on, not even that night. I didn't know she 23 was arrested.</p>
<p style="text-align: right;">Page 174</p> <p>1 female's mother, Michelle Helm. I had no 2 idea that that was her mother. I don't know 3 if he knew that was her mother or not. 4 Q. Okay. Any other things you have a 5 problem with? 6 A. Not a problem with, but he wrote, 7 Helm would not comply and was Tased and 8 arrested. I never saw any of that. 9 Q. Okay. Now, you took Michelle Helm 10 outside to Morgan, right? 11 A. I took the older female outside. 12 Q. That we now know to be -- if I 13 represent to you that that older female was 14 Michelle Helm -- 15 A. If that's true. 16 Q. -- then you took her outside, 17 right? 18 A. If that's true. 19 Q. If that's true. 20 A. Yes, if that was Michelle Helm. 21 Q. If the same person that you put 22 your arms under her armpits and took her 23 backwards outside to Officer Morgan was</p>	<p style="text-align: right;">Page 176</p> <p>1 Q. Did you observe Michelle Helm do 2 anything that rose to the level of being 3 arrested? 4 A. The obstruction part inside the 5 venue. 6 Q. Okay. But she wasn't arrested for 7 obstruction, was she? 8 MS. CHANDLER: Object to the form. 9 10 Q. You can answer. 11 A. She was not. 12 Q. Okay. And that's the only thing 13 you observed that could have rose to the 14 level of arrest, right, was the obstruction 15 part? 16 A. Correct. 17 Q. And that's a pretty serious charge, 18 obstruction of justice, right? 19 MS. CHANDLER: Object to the form. 20 21 Q. Do you know? 22 A. What is that, a misdemeanor? 23 Q. Now, you're the police officer.</p>

<p style="text-align: right;">Page 177</p> <p>1 A. That's a misdemeanor. I mean, it's 2 not a felony. 3 Q. Now, with a misdemeanor, does the 4 officer have to observe the act to be 5 arrested for a misdemeanor? 6 MR. HOWARD: Object to the form. 7 8 Q. You can answer. 9 A. If I'm going to arrest somebody for 10 obstruction, I'm going to want to see it 11 myself. 12 Q. Okay. What about disturbance of 13 the peace? 14 A. We're told to have thicker skin 15 than that. 16 Q. What does that mean? 17 A. Are you talking about loud music or 18 something like that? 19 Q. Or cussing. 20 A. I really myself, personally -- 21 Q. The truth of the matter is, you 22 really would make a judgment call and 23 probably not arrest someone for disturbance</p>	<p style="text-align: right;">Page 179</p> <p>1 Q. Do you have any knowledge as to how 2 Morgan would have known that Michelle Helm 3 became combative toward officers, as he said 4 in his synopsis, inside? 5 A. Unless he was around inside and I 6 didn't see him. I don't know. 7 Q. But you didn't see him inside. 8 A. No. I mean, he could have been in 9 there. I don't remember seeing him or the 10 other officers holding the legs. 11 Q. How many officers? 12 A. Like Morris and the officers -- 13 Q. You said four officers holding the 14 legs. 15 A. No. I said or the other officers. 16 Q. Oh, the other officers. I'm sorry. 17 I thought you said four officers. 18 A. Yeah, the other officers. 19 Q. Okay. 20 A. Basically all I remember seeing is 21 like the uniforms and microphones. I can't 22 remember faces. 23 Q. All right. But it says, Helm was</p>
<p style="text-align: right;">Page 178</p> <p>1 of the peace, right? 2 A. Correct. I don't think I've ever 3 arrested for that. 4 Q. What about disorderly conduct? 5 A. I've arrested for that before. 6 Q. And when you arrest for disorderly 7 conduct, do you have to actually witness the 8 disorderly conduct in order to effect the 9 arrest? 10 A. I'm not going to make an arrest for 11 disorderly conduct unless I see it. 12 Q. Okay. Now, Michelle Helm, are you 13 aware that that's what she was arrested for, 14 disorderly conduct? 15 A. I was not. 16 Q. Are you aware that she was arrested 17 by Gary Morgan for disorderly conduct? 18 A. I was not. 19 Q. When you took Michelle Helm outside 20 and she was placed in the cuffs by Morgan, 21 did you tell Morgan what she had done 22 inside? 23 A. I did not.</p>	<p style="text-align: right;">Page 180</p> <p>1 told to get back and calm down. Helm would 2 not comply and was Tased and arrested. Was 3 Michelle Helm, or the older female, Tased 4 inside the concert hall? 5 MS. CHANDLER: Object to the form. 6 Q. You can answer. 7 A. I have no idea. The older female? 8 Q. Yes. The female that you saw -- 9 A. I never saw her get Tased. 10 Q. You never saw Michelle Helm get 11 Tased. 12 A. Michelle? We're not talking about 13 T.H., right? 14 Q. No. We're talking about Michelle. 15 A. I never saw the older female that I 16 carried outside get Tased. 17 Q. But you did see her get put into 18 handcuffs, correct? 19 A. I was walking away while Officer 20 Morgan was attempting to put her in 21 handcuffs. I said cuff her, and then I'm 22 gone. 23 Q. And did he take his cuffs out?</p>

<p style="text-align: right;">Page 181</p> <p>1 A. I believe so.</p> <p>2 Q. Did you see him take his cuffs</p> <p>3 out?</p> <p>4 A. I don't remember.</p> <p>5 Q. But you did say cuff her.</p> <p>6 A. I did.</p> <p>7 Q. Okay. And then you walked away.</p> <p>8 A. Ran away.</p> <p>9 Q. Ran away. And at some point after</p> <p>10 you said cuff her to the point that Officer</p> <p>11 Morgan filled out this use of force form, she</p> <p>12 was Tased and arrested; is that right?</p> <p>13 MS. CHANDLER: Object to the form.</p> <p>14 MR. STUBBS: Object to the form.</p> <p>15 MR. HOWARD: Object to the form.</p> <p>16</p> <p>17 Q. According to what he says.</p> <p>18 A. If that's what you've got written</p> <p>19 down right there, I guess that's what he</p> <p>20 said.</p> <p>21 Q. I don't have it written down.</p> <p>22 A. I mean, if that is what he stated.</p> <p>23 I can't tell you what he did, but if he wrote</p>	<p style="text-align: right;">Page 183</p> <p>1 Q. Beginning to cuff her. So he was</p> <p>2 actually beginning the process of cuffing</p> <p>3 her.</p> <p>4 A. Yes.</p> <p>5 Q. How far had he gotten into the</p> <p>6 process that you can remember?</p> <p>7 A. I believe the last thing I remember</p> <p>8 him doing was actually reaching around his</p> <p>9 back -- or the front. And actually, I think</p> <p>10 I remember hearing a pop where the leather</p> <p>11 comes off --</p> <p>12 Q. The pouch.</p> <p>13 A. Yeah, the pouch. And I ran off.</p> <p>14 Q. Because you were going back inside</p> <p>15 to do what?</p> <p>16 A. Help.</p> <p>17 Q. With?</p> <p>18 A. Who knows at that point.</p> <p>19 Q. Well, you say you went back inside</p> <p>20 to help officers with the younger female. Go</p> <p>21 back to your statement.</p> <p>22 A. Okay.</p> <p>23 Q. The last sentence, the last line --</p>
<p style="text-align: right;">Page 182</p> <p>1 this down, then that's his statement.</p> <p>2 Q. Okay. After an officer places a</p> <p>3 person into handcuffs, is that person</p> <p>4 considered -- or should those cuffs come off?</p> <p>5 MS. CHANDLER: Object to the form.</p> <p>6</p> <p>7 A. They can.</p> <p>8 Q. And if they come off, can they be</p> <p>9 put back on?</p> <p>10 A. Absolutely.</p> <p>11 Q. Okay. So at some point after you</p> <p>12 ran away back to the inside, according to</p> <p>13 Officer Morgan, Michelle Helm was Tased and</p> <p>14 arrested, correct?</p> <p>15 A. According to Officer Morgan, yes.</p> <p>16 Q. And the last thing you told Officer</p> <p>17 Morgan was cuff her.</p> <p>18 A. Correct.</p> <p>19 Q. And the last thing you remember</p> <p>20 about the situation with Officer Morgan and</p> <p>21 the older female was him attempting to cuff</p> <p>22 her, correct?</p> <p>23 A. Beginning to cuff her.</p>	<p style="text-align: right;">Page 184</p> <p>1 A. Yes. I'm sorry, yes. Going back</p> <p>2 to help officers with the female.</p> <p>3 Q. Okay. Then you heard, oh, my God,</p> <p>4 they've got an officer surrounded at the</p> <p>5 front of the building, right?</p> <p>6 A. I believe when I arrived back in</p> <p>7 the building before I even had the chance to</p> <p>8 assess the situation with her, somebody said,</p> <p>9 oh, my God, they have an officer surrounded</p> <p>10 at the front of the building.</p> <p>11 Q. And then if we fast forward down to</p> <p>12 the fifth line from the bottom of that</p> <p>13 paragraph, you said, Sergeant George Morris</p> <p>14 came up to me and told me that the black male</p> <p>15 I had cuffed did not start the fight and the</p> <p>16 black male was just defending himself. Do</p> <p>17 you remember that happening?</p> <p>18 A. I do.</p> <p>19 Q. Have you seen body cam footage of</p> <p>20 this very exchange between you and Morris?</p> <p>21 A. I don't believe so.</p> <p>22 Q. And you don't recall whether or not</p> <p>23 you downloaded footage from Morris' body cam</p>

<p style="text-align: right;">Page 185</p> <p>1 or not, do you?</p> <p>2 A. I don't remember. I might have at</p> <p>3 the time when I was downloading it, but I</p> <p>4 don't remember now.</p> <p>5 Q. Okay. Now, I'm going to show you</p> <p>6 what I will mark as Plaintiff's Exhibit</p> <p>7 Number 6 to your deposition.</p> <p>8</p> <p>9 (Plaintiff's Exhibit Number 6 was</p> <p>10 marked for identification and same is</p> <p>11 attached hereto.)</p> <p>12</p> <p>13 Q. Okay. Do you see that</p> <p>14 photograph?</p> <p>15 A. Yes.</p> <p>16 Q. Do you see the person at the head</p> <p>17 of that female's body that's laying on the</p> <p>18 ground?</p> <p>19 A. I can't see the person's head,</p> <p>20 but --</p> <p>21 Q. Can you see a blue plaid shirt?</p> <p>22 A. The individual standing over her?</p> <p>23 Q. Which one are you talking about?</p>	<p style="text-align: right;">Page 187</p> <p>1 something like that.</p> <p>2 Q. Near the chin and mouth area,</p> <p>3 right?</p> <p>4 A. Yes.</p> <p>5 Q. But that's not you, correct?</p> <p>6 A. No. That's not me.</p> <p>7 Q. Okay. So that's a different person</p> <p>8 that -- well, I'll represent to you that this</p> <p>9 is T.H., the female that's laying on the</p> <p>10 ground.</p> <p>11 A. Okay. Right now?</p> <p>12 Q. Yes.</p> <p>13 A. Okay.</p> <p>14 Q. If I represent to you that that's</p> <p>15 T.H., that's a different person at the head</p> <p>16 of T.H., right? That's not you.</p> <p>17 A. That's not me.</p> <p>18 Q. Okay. Was that person at T.H.'s</p> <p>19 head during the time that you were there?</p> <p>20 A. I have no idea.</p> <p>21 Q. You don't remember whether or not</p> <p>22 there was another person right beside you</p> <p>23 holding T.H.'s head?</p>
<p style="text-align: right;">Page 186</p> <p>1 A. This one right here (indicating)?</p> <p>2 Q. Yes. Now, do you think that person</p> <p>3 is standing or kneeling?</p> <p>4 A. It looks like kneeling.</p> <p>5 Q. Okay. And can you see that</p> <p>6 person's hands?</p> <p>7 A. Yes.</p> <p>8 Q. And where is that person's hands?</p> <p>9 A. It looks like on the person's left</p> <p>10 arm, at the crack of their arm where the</p> <p>11 elbow bends. And the other one is right here</p> <p>12 below their chin.</p> <p>13 Q. Now, you say below their chin. I</p> <p>14 want you to look closely. Do you see that</p> <p>15 white object in that hand?</p> <p>16 A. Yes.</p> <p>17 Q. Does that appear to be a piece of</p> <p>18 gauze to you?</p> <p>19 A. I have no idea.</p> <p>20 Q. But that is something in that hand.</p> <p>21 A. Absolutely.</p> <p>22 Q. Okay.</p> <p>23 A. Or on the person's chin or</p>	<p style="text-align: right;">Page 188</p> <p>1 A. I don't remember. I was</p> <p>2 concentrating on her.</p> <p>3 Q. When you went back inside, you made</p> <p>4 your way to the front of Center Stage. And</p> <p>5 when you arrived, the paramedics was placing</p> <p>6 the young female onto the stretcher; is that</p> <p>7 right? I'm sorry. It's the last full</p> <p>8 paragraph, the first sentence.</p> <p>9 A. Yes.</p> <p>10 Q. So when you arrived, the paramedics</p> <p>11 was placing the young female onto the</p> <p>12 stretcher.</p> <p>13 A. Correct.</p> <p>14 Q. Was she bound by the feet?</p> <p>15 A. I don't remember, but I believe</p> <p>16 that they were putting the pads over her to</p> <p>17 keep her on -- you know, the straps to keep</p> <p>18 her -- I mean, they do that with everybody,</p> <p>19 put the straps across the stretcher so they</p> <p>20 won't fall off.</p> <p>21 Q. Did you see her feet being bound?</p> <p>22 A. I don't remember.</p> <p>23 Q. Did you see any straps going around</p>

<p style="text-align: right;">Page 189</p> <p>1 her wrists?</p> <p>2 A. I don't remember that.</p> <p>3 Q. But you did see her being wheeled</p> <p>4 out, right?</p> <p>5 A. I did. I do remember her being</p> <p>6 strapped down. And we'll get to that in a</p> <p>7 minute or when you want to.</p> <p>8 Q. When you say strapped down, what do</p> <p>9 you mean?</p> <p>10 A. Like by the original straps. Like</p> <p>11 when you lay somebody on one of those --</p> <p>12 Q. That actually goes on a gurney?</p> <p>13 A. Yes.</p> <p>14 Q. I understand what you're saying.</p> <p>15 Okay. After T.H. was Tased the first time,</p> <p>16 was her shirt -- do you see that photograph</p> <p>17 in Plaintiff's Exhibit Number 6? Do you</p> <p>18 recall her midriff being exposed before she</p> <p>19 was Tased the first time?</p> <p>20 A. I don't remember.</p> <p>21 Q. You don't remember?</p> <p>22 A. I don't remember.</p> <p>23 Q. At the time she was Tased the</p>	<p style="text-align: right;">Page 191</p> <p>1 (Plaintiff's Exhibit Number 7 was</p> <p>2 marked for identification and same is</p> <p>3 attached hereto.)</p> <p>4</p> <p>5 A. Something like that, yeah.</p> <p>6 Q. Something very similar to that?</p> <p>7 A. Something like that, yeah.</p> <p>8 Q. All right. How many different X-26</p> <p>9 marks do you see on that photograph?</p> <p>10 A. I've looked at very few of these.</p> <p>11 And I know girls wear tight clothes sometimes</p> <p>12 like a bra or something. This may could have</p> <p>13 been a bra. I'm not a Taser expert, but if</p> <p>14 you're saying this is a Taser mark -- is it?</p> <p>15 Q. Well, does it look like one to</p> <p>16 you?</p> <p>17 A. It could be. It could be marks to</p> <p>18 where, I mean, you had a bicycle wreck or</p> <p>19 somebody stuck a cigarette there.</p> <p>20 Q. How far apart are the prongs on an</p> <p>21 X-26 when you drive stun? Do you know?</p> <p>22 A. Yeah. This is not going to shoot</p> <p>23 you. When I push this button, nothing is</p>
<p style="text-align: right;">Page 190</p> <p>1 second time, do you recall her shirt being</p> <p>2 pulled up like that?</p> <p>3 A. I don't remember.</p> <p>4 Q. After she was Tased the first time,</p> <p>5 do you recall there being any marks left on</p> <p>6 her body?</p> <p>7 A. I don't remember. I don't think I</p> <p>8 looked.</p> <p>9 Q. When a person is drive stunned by</p> <p>10 an X-26 Taser, does it leave a mark?</p> <p>11 A. I've seen photos. I've never Tased</p> <p>12 with one, but I think it leaves a mark.</p> <p>13 Q. What kind of mark?</p> <p>14 A. From what I've seen from photos and</p> <p>15 from other officers doing it, I believe it</p> <p>16 leaves like two dots that's separated. I may</p> <p>17 be wrong though.</p> <p>18 Q. Well, let me show you this. I'll</p> <p>19 show you what I'm going to mark as</p> <p>20 Plaintiff's Exhibit Number 7 to your</p> <p>21 deposition.</p> <p>22</p> <p>23</p>	<p style="text-align: right;">Page 192</p> <p>1 going to happen. Hang on. It's resetting.</p> <p>2 That's how much I use this thing. Can you</p> <p>3 tell I've never used this?</p> <p>4 Q. Kind of. Let's do it this way.</p> <p>5 A. Yeah. I'm out of juice.</p> <p>6 Q. That's okay. Just take that ruler</p> <p>7 and measure it across. Just lay that ruler</p> <p>8 across those prongs.</p> <p>9 A. I would say four inches.</p> <p>10 Q. All right. And when you drive stun</p> <p>11 someone --</p> <p>12 MR. HOWARD: Excuse me.</p> <p>13 MR. STONE: That's not four inches.</p> <p>14 MR. HOWARD: That can't possibly be</p> <p>15 four inches.</p> <p>16 THE WITNESS: Oh, I'm sorry. I did</p> <p>17 centimeters. I'm sorry. I didn't do inches.</p> <p>18</p> <p>19 Q. Is it more like two inches?</p> <p>20 A. Let me see in inches. I measured</p> <p>21 wrong. It is more like an inch and a half.</p> <p>22 Q. Okay. So the prongs are an inch</p> <p>23 and a half across. So when you drive stun</p>

<p style="text-align: right;">Page 193</p> <p>1 someone, if it leaves a mark, those two dots 2 that are left on the body are going to be 3 about an inch and a half apart; is that 4 right? 5 A. I don't know. I mean, I'm not 6 sure. I really don't know. 7 Q. That's fair. Now I'm going to show 8 you what I will mark as Plaintiff's Exhibit 9 Number 8. 10 11 (Plaintiff's Exhibit Number 8 was 12 marked for identification and same is 13 attached hereto.) 14 15 Q. And I'll ask you if you've ever 16 seen this document before. And by way of 17 further identification, that is the -- 18 A. I believe that was in that binder 19 that I was telling you about when I first got 20 it. It could have been. 21 Q. Okay. That is the Taser Handheld 22 CEW, warnings, instructions and information 23 for law enforcement.</p>	<p style="text-align: right;">Page 195</p> <p>1 A. Go ahead. 2 Q. Excuse my reach. 3 A. Go ahead. 4 Q. Do you see that right there? 5 Immediately distribute this document to all 6 Taser CEW users. Now, that would be you, 7 right? You're a Taser user, right? 8 A. Correct. 9 Q. Okay. And before that, it says, 10 these warnings and instructions are effective 11 when? 12 A. March the 1st, 2013. 13 Q. And supersede all prior revisions 14 and relevant training bulletins. Immediately 15 distribute this document to all Taser CEW 16 users. The most current warnings are also 17 available online at www dot Taser dot com. 18 And your testimony is that you've never 19 received any document on the use of your 20 Taser since 2000 when? 21 A. '13. We get a lot of documents put 22 in our mailbox. And to be honest, if it 23 doesn't have me on a court date, I shred it.</p>
<p style="text-align: right;">Page 194</p> <p>1 A. That could have been in that binder 2 that I received. 3 Q. Now, the binder that you're talking 4 about is the Taser International binder, 5 right? 6 A. It was the binder that I was given 7 when I received the Taser from Chase Jenkins. 8 Q. And when was that? What year was 9 that? 10 A. 2010. 11 Q. Okay. I'm going to represent to 12 you that this is not the document that was in 13 that binder because this document is from 14 2013. 15 A. Okay. I don't think I've ever seen 16 this one then. 17 Q. Okay. I want you to look down in 18 the middle of the page, and in bold letters, 19 do you see where it says immediately 20 distribute this document to all Taser CEW 21 users? Do you see that? 22 A. I'm lost. 23 Q. Do you mind if I point?</p>	<p style="text-align: right;">Page 196</p> <p>1 I may have received this, but I don't 2 remember. 3 Q. Okay. So you may have received 4 this document and just shredded it? 5 A. Correct. 6 Q. Okay. I want you to turn to the 7 second page. Okay? 8 A. Okay. 9 Q. It says physiologic and metabolic 10 effects. And you've never seen this, 11 right? 12 A. I can't remember seeing this. 13 Q. Okay. And it says, CEW use causes 14 physiologic and/or metabolic effects that may 15 increase the risk of death or serious injury. 16 These effects include changes in blood 17 chemistry, blood pressure, respiration, heart 18 rate and rhythm and adrenaline and stress 19 hormones, among others. 20 In human studies of electrical 21 discharge from a single CEW of up to fifteen 22 seconds, the effects on acid/base balance, 23 creatine kinase, electrolytes, stress</p>

<p style="text-align: right;">Page 197</p> <p>1 hormones and vital signs were comparable to 2 or less than changes expected from physical 3 exertion similar to struggling, resistance, 4 fighting, fleeing or from the application of 5 some other force tools or techniques. Now, 6 did I read that correctly? 7 A. You did. 8 Q. What does that mean to you as a 9 user of the Taser? 10 MR. HOWARD: Object to the form. 11 12 Q. You can answer. 13 A. If I'm just sitting here reading 14 this, it's telling you, if I'm correct, once 15 you're being Tased, it could change your 16 blood chemistry, blood pressure, respiration, 17 your heart rate and rhythm. I mean, you're 18 getting Tased. Adrenaline, stress hormones, 19 the fifteen seconds. It gives more 20 medical -- what do you call that? 21 Q. Would you agree that it says 22 that -- 23 A. To me that's basically saying, I</p>	<p style="text-align: right;">Page 199</p> <p>1 A. Say it again. 2 Q. Okay. When you read this, do you 3 read this and understand it to mean that in 4 some instances, someone who is Tased can 5 exhibit symptoms such as struggling, 6 resistance, fighting, fleeing? 7 A. I believe that's what I'm 8 understanding. 9 Q. Okay. And again, this is an update 10 to the document that you would have received 11 when you were first certified for the Taser, 12 right? 13 A. That's what you're telling me and 14 that's what I'm reading, yes. 15 Q. Okay. Well, this is dated March 16 1st, 2013. And you were certified on that 17 Taser prior to that time, right? 18 A. Correct. 19 Q. Okay. Turn with me to the third 20 page of this document. Are you there? 21 A. I'm there. 22 Q. Do you see that third warning box 23 where it says secondary injury?</p>
<p style="text-align: right;">Page 198</p> <p>1 mean, somebody who is Tased is going to go 2 through a -- 3 Q. In the APOST training, were you 4 taught about the fight or flight mentality 5 that a person could -- 6 A. I remember hearing that term. I 7 don't remember what that means. 8 Q. Okay. And in reading this first 9 paragraph, do you understand that Taser is 10 saying that -- and this is to be distributed 11 to law enforcement users of the Taser. And 12 Taser is telling you that a person that is 13 Tased for sometimes up to fifteen seconds can 14 struggle, can resist, can fight, can flee. 15 Do you understand that that's what that's 16 saying? 17 MS. CHANDLER: Object to the form. 18 MR. HOWARD: Object to the form. 19 MR. STUBBS: Object to the form. 20 21 A. Yeah. I mean -- 22 Q. Are you reading the same thing I'm 23 reading?</p>	<p style="text-align: right;">Page 200</p> <p>1 A. Yes. 2 Q. All right. Underneath there, do 3 you see where it says loss of control 4 associated with CEW use can have several 5 causes? Do you see that? 6 A. Yeah. I see what you're talking 7 about. 8 Q. And what's the first cause that's 9 listed? 10 A. A seizure. 11 Q. Okay. Officer Gilliland, have you 12 discussed this lawsuit with Jimmy Fazekas? 13 A. Not in detail. 14 Q. Well, what detail have you 15 discussed with Jimmy Fazekas? 16 A. When do you think this will go to 17 court. I mean, do you think it will go to 18 court. How long. I've never been in 19 something like this. How long do you think 20 it will be before we'll actually start going 21 to have to see somebody about this, but never 22 nothing in detail. 23 Q. Okay. When you say that, is it</p>

<p style="text-align: right;">Page 201</p> <p>1 fair to say the conversations you had with 2 Jimmy Fazekas about this lawsuit is before 3 you retained a lawyer? 4 A. Yes. 5 Q. Do you know what constitutional 6 rights are? 7 A. Somewhat. 8 Q. Do you believe that George Morris 9 violated T.H.'s constitutional rights on 10 January 16, 2015? 11 MR. HOWARD: Object to the form. 12 MR. STUBBS: Object to the form. 13 MS. CHANDLER: Object to the form. 14 15 Q. You can answer. 16 A. I don't know. That's not me. I 17 mean, I'm going back to what you're saying. 18 I'm not him. I wasn't put in that situation. 19 I don't know. I would only be able to answer 20 that if that was me in that position. 21 Q. All right. If it were you in that 22 position, would you have Tased T.H. the first 23 time?</p>	<p style="text-align: right;">Page 203</p> <p>1 Q. Have you read the statement of 2 George Morris? 3 A. I have not. 4 Q. So you're not aware that George 5 Morris in his statement that he made on 6 Rainbow City forms states that he only Tased 7 T.H. once? 8 A. I have not read that. 9 Q. Have you seen George Morris' use of 10 force report in which he states that he only 11 Tased T.H. once? 12 A. I have not. 13 Q. If George Morris wrote that he only 14 Tased T.H. one time, would that be different 15 than what you observed that night? 16 A. It would. 17 Q. If George Morris put in his use of 18 force report form that he only Tased T.H. one 19 time, would that be different than what you 20 saw him do that night? 21 A. Yes. 22 Q. I'm going to show you what I will 23 mark as Plaintiff's Exhibit Number 9.</p>
<p style="text-align: right;">Page 202</p> <p>1 A. It wasn't. 2 Q. If it were, would you have Tased 3 her? 4 A. I don't know what I would have 5 done. 6 Q. If it were you, would you have 7 Tased T.H. the second time? 8 A. I don't know what I would have 9 done. 10 Q. If it were you, would you have 11 Tased Michelle Helm, or the older female, 12 that you escorted out of the building? 13 MS. CHANDLER: Object to the form. 14 15 A. I don't know. 16 Q. Have you ever seen any policies or 17 procedures for the Rainbow City Police 18 Department that would have given you guidance 19 or instruction on what you would have done 20 that night? 21 MS. CHANDLER: Object to the form. 22 23 A. I don't believe so.</p>	<p style="text-align: right;">Page 204</p> <p>1 2 (Plaintiff's Exhibit Number 9 was 3 marked for identification and same is 4 attached hereto.) 5 6 A. (Witness reviewing document.) 7 Q. Have you ever seen this document 8 before today? 9 A. I have not. 10 Q. Okay. Turn with me to page two of 11 three, if you would. All right. Now, 12 earlier I had a conversation with you, and I 13 asked you whether or not Morris was holding 14 his Taser before he Tased T.H. the first time 15 or did he have to take it out. Do you 16 remember that? 17 A. I remember that. 18 Q. Okay. Go down with me to the 19 eighth line from the bottom where it starts 20 with the word based. Do you see that? 21 A. Yes. 22 Q. All right. It says, based on 23 Ms. Helm's out of control behavior, I took my</p>

<p style="text-align: right;">Page 205</p> <p>1 Taser out and removed the cartridge and told 2 her several times to calm down and comply 3 with officers' commands or I would dry stun 4 her with my Taser. Did I read that 5 correctly? 6 A. You did. 7 Q. Okay. So according to Morris' 8 statement, he told T.H. several times to calm 9 down or I will dry stun you, right? 10 A. That's what he's got written 11 here. 12 Q. And he says he took his cartridge 13 out. Do you know what he means when he says 14 I took my cartridge out? 15 A. Yeah. I believe he's referring to 16 taking this part off the Taser so you can't 17 shoot anybody with the prongs. 18 Q. And when you say this part, you're 19 talking about the prongs that are packed into 20 this cartridge, right? 21 A. Yes. 22 Q. And the way that you remove those, 23 there is two indentions on each side and you</p>	<p style="text-align: right;">Page 207</p> <p>1 A. Yes. 2 Q. But if you look at his statement, 3 he's telling her that after the first time, 4 right? 5 A. Before the first time or after? 6 Q. Before the first time. 7 A. That's what he's got written, yes. 8 Q. But that's not how you remember it, 9 is it? 10 A. I don't remember. 11 Q. Okay. He says that the dry stun 12 had little -- and I'm on page three now -- or 13 no effect on Ms. Helm, and I had to leave the 14 front to go into the concert for another 15 fight. 16 Now, after the first Tase by George 17 Morris on T.H., did he leave and go to the 18 concert hall for another fight? 19 A. Now, what did you say? 20 Q. After George Morris Tased T.H. the 21 first time, do you remember him leaving to go 22 break up a fight, or do you remember him 23 staying there and Tasing her again?</p>
<p style="text-align: right;">Page 206</p> <p>1 squeeze those in and the cartridge pops off; 2 is that right? 3 A. I think these little doors open 4 right here. What are you talking about? 5 Q. I mean to take the cartilage off 6 your X-26. 7 A. Oh, yeah. There is two little 8 circles on the sides and you squeeze -- 9 Q. You squeeze those in and it pops 10 off, right? 11 A. Right. 12 Q. Okay. And then you can use the 13 drive stun. I say drive. He said dry. You 14 can get Tased either way, so it doesn't 15 matter. 16 A. Yeah. 17 Q. But do you recall him telling her 18 several times to calm down? 19 A. The only part I can remember is 20 after the first time he Tased her. 21 Q. Okay. So you remember him telling 22 her to calm down several times after the 23 first time; is that right?</p>	<p style="text-align: right;">Page 208</p> <p>1 A. I don't remember him going to a 2 fight. 3 Q. You remember him still being there 4 with T.H., right? 5 A. Yes. 6 Q. And then subsequently Tasing her 7 again. 8 A. Yes. 9 Q. And then he says, I returned later 10 and fire medics were attempting to help 11 Ms. Helm and she continued cussing the 12 firemen and ambulance personnel. Were fire 13 medics present when you were there? 14 MS. CHANDLER: Object to the form. 15 16 Q. When you were there with T.H., or 17 were they there when you came back in from 18 escorting the older female outside? 19 A. I can't remember if they were there 20 when I came back from escorting the older 21 female outside or after I had got back from 22 the fight at the front of the concert 23 venue.</p>

<p style="text-align: right;">Page 209</p> <p>1 Q. But you didn't see medics near T.H. 2 until after Morris had Tased her the second 3 time; is that right? It would have been at 4 some point after that that you saw medics 5 tending to T.H., right? 6 A. They could have been. I'm not 7 sure. 8 Q. Well, they weren't working on her 9 head because you had her in a rear neck hold, 10 correct? 11 A. Right. Yeah. 12 Q. So we know they weren't near her 13 head. 14 A. Right. 15 Q. Did you see them near her feet? 16 A. I did not. 17 Q. So did you see them on either side 18 of her? 19 A. I can't remember. There was people 20 on the side, but I don't know if it was 21 paramedics or not. 22 Q. Did you ever see an IV line go into 23 T.H.'s arm?</p>	<p style="text-align: right;">Page 211</p> <p>1 A. By reading the title up there, I've 2 got a clue what it is. 3 Q. Okay. All right. I'm going to 4 represent to you that Officer Bryant told me 5 that this is a form that he filled out based 6 upon his conversation with Gary Morgan about 7 Morgan's use of force as it related to who 8 you knew as the older female that we know to 9 be Michelle Helm. Okay? 10 A. Okay. 11 Q. Now, I know you haven't had a 12 chance to read the whole thing, but do you 13 see this block paragraph here in the middle? 14 A. Yes. 15 Q. Okay. There is a sentence that 16 says he said. Do you see that? 17 A. He said the drive stun? 18 Q. No. He said he and Officer 19 Gilliland. You're on the right line, but I 20 want to go to that next -- 21 A. Yes. 22 Q. He said he and Officer Gilliland 23 escorted Michelle out of the building and</p>
<p style="text-align: right;">Page 210</p> <p>1 A. Not while I was holding her head. 2 Q. Okay. So I guess my question is, 3 the events that George Morris remembers in 4 his City of Rainbow City letterhead 5 statement, they're different than the way you 6 remember those events as it relates to T.H. 7 being Tased by Morris, aren't they? 8 A. Seems to be that way. 9 Q. Now, I want to show you what I'm 10 going to mark as Plaintiff's Exhibit Number 11 10 to your deposition. 12 13 (Plaintiff's Exhibit Number 10 was 14 marked for identification and same is 15 attached hereto.) 16 17 Q. And I'll represent to you that by 18 way of further identification, this is the 19 Rainbow City Police Department shift 20 supervisor synopsis use of force form. Is 21 that a document you have ever seen before? 22 A. I've never seen this. 23 Q. Do you know what it is?</p>	<p style="text-align: right;">Page 212</p> <p>1 restrained her. Did Morgan help you escort 2 the older female out of the building, or did 3 you escort the older female out of the 4 building to Morgan? 5 A. I believe Morgan was walking beside 6 me. I don't know if he had her legs or 7 what. 8 Q. Okay. He said during the time she 9 was being escorted, she was resisting and 10 thrashing around. Now, that's not the way 11 you told me, is it? 12 MS. CHANDLER: Object to the form. 13 14 Q. You can answer. 15 A. I don't remember. 16 Q. You don't remember what you told 17 me? 18 A. Well, I remember having her under 19 the arms pulling her out like I told you, but 20 I don't remember -- it was loud. 21 Q. Well, loud notwithstanding, he says 22 that she was resisting and thrashing around. 23 And earlier we talked about how Michelle</p>

<p style="text-align: right;">Page 213</p> <p>1 Helm, or the older female as you knew her, 2 was acting when you escorted her out of that 3 building. And you said she wasn't being 4 combative or thrashing around. Do you 5 remember testifying -- 6 MS. CHANDLER: Object to the form. 7 8 A. I remember saying she wasn't being 9 combative. She wasn't trying to hit me in 10 the face, but I do think I remember her being 11 like, you know, let me go, like moving 12 around. That's not combative to me. Trying 13 to get loose is what I call it. 14 Q. All right. Once Helm was 15 restrained, she was transported to the Etowah 16 County jail. Do you see that? 17 A. I do. 18 Q. Now, there is no mention of 19 Michelle Helm being Tased from the time that 20 you and Morgan escorted her outside and 21 restrained her until the time she was taken 22 to the jail, is there? 23 A. Not on this document.</p>	<p style="text-align: right;">Page 215</p> <p>1 diffuse the situation. 2 Q. Okay. Stop right there. Do you 3 remember that happening? 4 A. I don't remember. 5 Q. Keep reading, please. 6 A. Okay. Morgan said he told Michelle 7 to move back in an attempt to diffuse the 8 situation. Morgan said Michelle told him, 9 fuck you, that's my daughter. 10 Q. Stop right there. Do you remember 11 that happening? 12 A. I do not. 13 Q. And the older female that we now 14 know to be Michelle Helm was actually, as you 15 said, hovering over your back, right? 16 MR. HOWARD: Object to the form. 17 MR. STUBBS: Object to the form. 18 MS. CHANDLER: Object to the form. 19 20 A. I don't remember that. 21 Q. You don't remember her -- 22 A. I mean, I don't remember -- I mean, 23 I don't --</p>
<p style="text-align: right;">Page 214</p> <p>1 Q. But if you go back up above that, 2 he says she became combative after he 3 attempted to escort her. He said he 4 attempted to drive stun Michelle with his 5 Taser. 6 He said the drive stun contact was 7 a short cycle because as Michelle moved, her 8 leg knocked the Taser out of his hand. He 9 said the drive stun was applied in the middle 10 area of her back. He said he and Officer 11 Gilliland escorted Michelle out of the 12 building and restrained her. 13 Now, do you read this to be Officer 14 Morgan telling Officer Bryant that that 15 Tasing happened inside the building? 16 A. Tell me where to start again. 17 Q. Okay. We'll start right here. Do 18 you see where it says he said Tiara became 19 more irate? It's about the middle of that 20 block. 21 A. He said Tiara became more irate 22 after she saw her mother. Morgan said he 23 told Michelle to move back in an attempt to</p>	<p style="text-align: right;">Page 216</p> <p>1 Q. Let's talk about that. You don't 2 remember Morgan being inside, right? 3 A. I don't remember. 4 Q. You don't remember Michelle Helm 5 telling Morgan, fuck you, that's my daughter. 6 A. If she did, I didn't hear it. 7 Q. Okay. Keep reading, please. 8 A. Okay. Morgan said he grabbed 9 Michelle by her left arm in an attempt to 10 escort her out. 11 Q. All right. Let me stop you right 12 there. Do you remember Morgan grabbing 13 Michelle by her left arm in an attempt to 14 escort her out? 15 A. I don't recall. 16 Q. In fact, in your statement, you say 17 it was Fazekas who attempted to grab Michelle 18 Helm by the left arm, right? 19 A. Yes. 20 Q. Okay. But you didn't say anything 21 about Morgan attempting to grab Michelle by 22 the left arm, right? 23 A. He may have. I didn't see it.</p>

<p style="text-align: right;">Page 217</p> <p>1 Q. Okay. Keep reading, please.</p> <p>2 A. He said she became combative after</p> <p>3 he attempted to escort her out.</p> <p>4 Q. Do you remember that happening</p> <p>5 inside the entrance of Center Stage?</p> <p>6 A. I would have to know his definition</p> <p>7 of combative. I mean, she was like not</p> <p>8 wanting to go.</p> <p>9 Q. Do you remember Morgan attempting</p> <p>10 to escort the older female out of Center</p> <p>11 Stage?</p> <p>12 A. I didn't see that.</p> <p>13 Q. In fact, you, in your statement</p> <p>14 wrote, that you put your arms under her</p> <p>15 armpits and you were the one that escorted</p> <p>16 her out of Center Stage, right?</p> <p>17 A. Correct.</p> <p>18 Q. Okay. Keep reading, please.</p> <p>19 A. He said he attempted to drive stun</p> <p>20 Michelle with his Taser.</p> <p>21 Q. Okay. Do you remember that?</p> <p>22 A. I didn't see that.</p> <p>23 Q. That's something you would remember</p>	<p style="text-align: right;">Page 219</p> <p>1 MS. CHANDLER: Object to the form.</p> <p>2</p> <p>3 Q. You can answer.</p> <p>4 A. If it happened, I didn't see it.</p> <p>5 Q. Okay. Keep reading, please.</p> <p>6 A. He said the drive stun was applied</p> <p>7 in the middle area of her back.</p> <p>8 Q. Okay. Do you recall Gary Morgan</p> <p>9 using the drive stun Taser technique on</p> <p>10 Michelle Helm before she was escorted out of</p> <p>11 Center Stage?</p> <p>12 A. I didn't see it if he did.</p> <p>13 Q. Okay. Keep reading, please.</p> <p>14 A. He said he and Officer Gilliland</p> <p>15 escorted Michelle out of the building and</p> <p>16 restrained her.</p> <p>17 Q. And did you assist Gary Morgan in</p> <p>18 restraining Michelle Helm?</p> <p>19 A. We both -- I mean, I had her under</p> <p>20 the arms, and I think he was beside me in</p> <p>21 case she got away or something.</p> <p>22 Q. Did she try to run?</p> <p>23 A. No. She was wiggling though trying</p>
<p style="text-align: right;">Page 218</p> <p>1 if you saw it, right?</p> <p>2 MS. CHANDLER: Object to the form.</p> <p>3 MR. HOWARD: Object to the form.</p> <p>4 MR. STUBBS: Object to the form.</p> <p>5</p> <p>6 Q. You can answer. Would you remember</p> <p>7 someone drive stunning the older female if</p> <p>8 you had seen it?</p> <p>9 A. If I would have seen it, yes.</p> <p>10 Q. You remembered Morris drive</p> <p>11 stunning T.H. twice, right?</p> <p>12 A. Yes, I did.</p> <p>13 Q. Okay. Keep reading, please.</p> <p>14 A. He said the drive stun contact was</p> <p>15 a short cycle because as Michelle moved her</p> <p>16 leg, it knocked the Taser out of his hand.</p> <p>17 Q. And you don't remember that because</p> <p>18 you don't remember Morgan drive stunning</p> <p>19 Michelle inside the building, do you?</p> <p>20 MS. CHANDLER: Object to the form.</p> <p>21</p> <p>22 Q. You don't remember seeing Morgan</p> <p>23 Tase Michelle Helm at all, do you?</p>	<p style="text-align: right;">Page 220</p> <p>1 to get loose.</p> <p>2 Q. Okay. But did she try to run?</p> <p>3 A. She couldn't.</p> <p>4 Q. How do you know she was trying to</p> <p>5 get loose?</p> <p>6 A. Because I had her under the arms,</p> <p>7 and the whole time --</p> <p>8 Q. Does that mean she was trying to</p> <p>9 get loose, or does that mean she was</p> <p>10 wiggling? You don't know what her mental --</p> <p>11 A. She was trying to get away from me.</p> <p>12 Q. Okay. That's your belief.</p> <p>13 A. That's my belief.</p> <p>14 Q. All right. Keep reading, please.</p> <p>15 A. He said during the time she was</p> <p>16 being escorted, she was resisting and</p> <p>17 thrashing around.</p> <p>18 Q. Now, you would agree with me that</p> <p>19 thrashing around is different than wiggling,</p> <p>20 right?</p> <p>21 A. Some people say thrashing. I don't</p> <p>22 really know what he defines thrashing as.</p> <p>23 Q. Okay. Well, we'll visit with him</p>

<p style="text-align: right;">Page 221</p> <p>1 about that. All right. Keep reading, 2 please. 3 A. Once Helm was restrained, she was 4 transported to the Etowah County jail. 5 Q. And you don't know if that happened 6 or not. 7 A. I have no idea if that happened. 8 Q. In fact, you didn't even know she 9 had been arrested, right? 10 A. I did not. 11 Q. You had not been asked to fill out 12 any witness statement related to the arrest 13 of Michelle Helm, had you? 14 A. I had not. 15 Q. In fact, you didn't know she had 16 been arrested until this lawsuit came about, 17 did you? 18 A. Correct. 19 Q. Did you ever see Greg Carroll, then 20 Chief Carroll, around T.H. 21 A. I don't remember. 22 Q. You don't remember if you saw 23 him?</p>	<p style="text-align: right;">Page 223</p> <p>1 the Gadsden Times, comments in the Gadsden 2 Times. So I contacted an attorney from the 3 PBA, which I was at that time a member of. 4 And he advised me -- 5 MS. CHANDLER: Let me stop you 6 right there. You don't testify to anything 7 that attorney told you. 8 9 Q. I don't want to know what he told 10 you. That's confidential. I just wanted to 11 know how you knew what the Garrity Rights 12 were. 13 A. An attorney advised me. 14 Q. And you made that call before you 15 wrote this statement, obviously. 16 A. Yes, I did. 17 Q. All right. The next time you got 18 to work after all of this happened at Center 19 Stage -- 20 A. Was that concert on a Saturday? 21 Q. I believe it was. And I think it 22 bled over to like Sunday morning. 23 A. I would have went back to work</p>
<p style="text-align: right;">Page 222</p> <p>1 A. I don't remember if I saw him. 2 Q. Did anyone assist you in preparing 3 your statement that we marked as an exhibit 4 in this case? 5 A. Absolutely not. 6 Q. All right. Let's go back to your 7 statement. 8 A. Okay. 9 Q. Do you see the first paragraph 10 there? 11 A. Yes. 12 Q. Can you read that, please? 13 A. I, Detective Gilliland, want it to 14 be known that I am writing this statement 15 knowing that I am fully protected by the 16 Garrity Rights. 17 Q. And what are the Garrity Rights? 18 A. When all this started coming out in 19 the paper, I talked to my wife at home. And 20 I was like, I've never been in something like 21 this. I mean, should I even call an 22 attorney, because I kept hearing the rumors 23 that people were going to sue on Facebook and</p>	<p style="text-align: right;">Page 224</p> <p>1 Monday. 2 Q. When you got to work Monday, who, 3 if anyone, did you discuss what happened at 4 Center Stage? 5 A. The next thing I remember talking 6 to someone about it was when Greg Carroll 7 came up to me and said I need all the video 8 on Center Stage. 9 Q. And that would have been how soon 10 after that concert? 11 A. I don't know if it was that day or 12 days later, but that was the first time I had 13 had contact about it. 14 Q. Did he tell you that he had 15 received a call from T.H.'s brother about 16 what happened to her down there? 17 A. He didn't tell me that. 18 Q. You said you read some comments on 19 Facebook. 20 A. Yes. 21 Q. What type of comments did you 22 read? 23 A. Mostly negative comments towards</p>

<p style="text-align: right;">Page 225</p> <p>1 the police department. Fucking pigs Tased 2 little girl down at concert Saturday night. 3 Then there is people commenting on it. Yeah, 4 they abuse their authority all the time. 5 Just stuff you see on the news everyday. 6 Q. And were these posts in your 7 timeline -- 8 A. How was I reading -- 9 Q. -- or was someone sending these to 10 you? 11 A. I believe my wife had -- someone 12 was sending her texts because they had heard 13 about it. And they were friends with 14 somebody else. And I think they copied and 15 pasted it and sent it to my wife. And then 16 she sent it to me by text message. 17 Q. What's your wife's name? 18 A. Emily Gilliland. 19 Q. Is she employed? 20 A. She is. 21 Q. Where is she employed? 22 A. Saint Vincent's ER in Birmingham. 23 Q. And you said you received those by</p>	<p style="text-align: right;">Page 227</p> <p>1 Q. Has anyone from Rainbow City ever 2 asked you to give an official statement 3 regarding what happened at Center Stage? 4 A. They've asked me about it, but I've 5 told them I can't talk about it. 6 Q. Who? 7 A. Just people. I mean, I worked at 8 the Chocolate Festival. 9 Q. No, no. I'm sorry. When I say 10 Rainbow City, I mean anyone -- 11 A. Like politically? 12 Q. Yes, that works for the City of 13 Rainbow City. 14 A. No. I don't believe so. 15 Q. Have you ever had any discussions 16 with the mayor or the city council about 17 it? 18 A. No. Just the public. 19 Q. Okay. And when you drafted this 20 statement, did you just do this 21 voluntarily? 22 A. If I can remember -- we write 23 statements on every --</p>
<p style="text-align: right;">Page 226</p> <p>1 text? 2 A. I believe so. I can't remember. 3 Q. But they came from your wife, or 4 did they come from someone else? 5 A. I believe they came from my wife. 6 I'm pretty sure. 7 Q. Okay. Did you see anything on your 8 Facebook concerning what happened at Center 9 Stage on January 16, 2015? 10 A. To be honest, I don't think I had a 11 Facebook at that time. 12 Q. You have one now, right? 13 A. Yes, I do. 14 Q. Have you discussed this case with 15 anyone via Facebook? 16 A. No, not at all. 17 Q. How are you identified on Facebook, 18 just Justin Gilliland? 19 A. Justin Gilliland. 20 Q. Have you exchanged text messages 21 with anyone about anything related to this 22 lawsuit outside of your wife? 23 A. No.</p>	<p style="text-align: right;">Page 228</p> <p>1 Q. Everything that happens. 2 A. Everything that happens. So I 3 believe I just said, hey, there was an 4 incident down there. I might want to write 5 down what happened just to cover -- put my 6 ducks in a row. So I believe it was 7 voluntary. 8 Q. Did you give a copy of this 9 statement to anyone outside of your attorney? 10 A. I may have given a copy of it to 11 Chief Carroll. 12 Q. Did Chief Carroll or Chase Jenkins 13 ever tell you, hey, we're investigating and 14 looking into this? 15 A. I remember talking to Chase Jenkins 16 one time. And he told me that he had heard 17 that the victim's mother was bad-mouthing 18 police on the internet. 19 Q. He heard that the victim's mother 20 was what? 21 A. Bad-mouthing police on the 22 internet. 23 Q. Did he use the word victim?</p>

<p style="text-align: right;">Page 229</p> <p>1 A. I don't recall.</p> <p>2 Q. Or is that your word?</p> <p>3 A. I believe he said that little</p> <p>4 girl's mom.</p> <p>5 Q. So victim is your word. Do you</p> <p>6 think T.H. was a victim of anything on the</p> <p>7 night of January 16, 2015?</p> <p>8 A. Can I think about that for a</p> <p>9 second?</p> <p>10 Q. Sure.</p> <p>11 A. If she was a victim, that's hard to</p> <p>12 answer. I mean, I've got yes and no for</p> <p>13 that.</p> <p>14 Q. Tell me the yes part.</p> <p>15 A. Let me -- no, I don't think she was</p> <p>16 a victim.</p> <p>17 Q. Why not?</p> <p>18 MR. HOWARD: Object to the form.</p> <p>19</p> <p>20 Q. You can answer.</p> <p>21 A. This is an opinion.</p> <p>22 Q. Sure.</p> <p>23 A. I believe she went to a concert,</p>	<p style="text-align: right;">Page 231</p> <p>1 when you were at the concert, you assumed she</p> <p>2 was having a seizure, right?</p> <p>3 A. At the beginning, yes.</p> <p>4 Q. Well, on two different occasions.</p> <p>5 A. Yeah, yeah.</p> <p>6 Q. So what changed your mind?</p> <p>7 A. About what?</p> <p>8 Q. That you thought she was having a</p> <p>9 seizure when she was on the floor --</p> <p>10 A. When she came out of the seizure,</p> <p>11 the way she was acting, I've never seen -- I</p> <p>12 mean, I worked at a hospital seven years.</p> <p>13 I've never seen anybody come out of a seizure</p> <p>14 and actually know where they're at to be</p> <p>15 cussing that way.</p> <p>16 Q. What did you do at the hospital</p> <p>17 that you worked at?</p> <p>18 A. I was a tech. And I was going to</p> <p>19 school to be a nurse and worked in the</p> <p>20 emergency room.</p> <p>21 Q. Did you finish nursing school?</p> <p>22 A. No.</p> <p>23 Q. And you were a tech in</p>
<p style="text-align: right;">Page 230</p> <p>1 acted inappropriately, and police officers</p> <p>2 did their job. And this is where we're at.</p> <p>3 Q. So you believe she was wrong for</p> <p>4 going to the concert.</p> <p>5 A. I believe she was wrong the way she</p> <p>6 acted at the concert.</p> <p>7 Q. Do you think she was wrong when she</p> <p>8 was lying on the floor of the concert hall</p> <p>9 seizing?</p> <p>10 A. That's something she can't help.</p> <p>11 Q. Do you think she was wrong when she</p> <p>12 was sitting in the chair having seizures?</p> <p>13 A. No. After she got out of the</p> <p>14 chair, yes.</p> <p>15 Q. Well, she didn't get out of the</p> <p>16 chair --</p> <p>17 A. I mean after she woke up out of the</p> <p>18 apparent seizure (indicating).</p> <p>19 Q. Well, now, let the record reflect</p> <p>20 that you're using air quotes.</p> <p>21 A. Okay. I'm not a doctor. I mean</p> <p>22 all I can do is assume what a seizure was --</p> <p>23 Q. On the night of January 16, 2015</p>	<p style="text-align: right;">Page 232</p> <p>1 the emergency room.</p> <p>2 A. Emergency room.</p> <p>3 Q. And what was your job duty as a</p> <p>4 tech in the emergency room?</p> <p>5 A. Blood pressures, EKGs, taking</p> <p>6 blood, transporting people.</p> <p>7 Q. It wasn't to diagnose seizures</p> <p>8 though.</p> <p>9 A. Correct.</p> <p>10 Q. And it wasn't to treat seizures,</p> <p>11 right?</p> <p>12 A. Correct.</p> <p>13 Q. And during your nursing school, did</p> <p>14 you take courses on people that were having</p> <p>15 seizures and how to deal with them and what</p> <p>16 to expect?</p> <p>17 A. I did not.</p> <p>18 Q. So your only knowledge about how</p> <p>19 people act when they're coming out of a</p> <p>20 seizure is limited to what you saw in the</p> <p>21 hospital, right?</p> <p>22 A. Past episodes.</p> <p>23 Q. And those episodes were in the</p>

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1 hospital, right?

2 A. Correct.

3 Q. And did every person who came out

4 of one of those come out and act the same

5 way?

6 A. I've never seen anybody come out of

7 a seizure and act like she did when she came

8 out of a seizure.

9 Q. I understand that, but my question

10 was, did everyone who came out of the ones

11 that you have observed act the same way?

12 A. Most of the time.

13 Q. But not all the time.

14 A. It's been so long since I've worked

15 there, but most everybody has come out of a

16 seizure that I've witnessed come out the same

17 way.

18 Q. Did they all come out that way?

19 A. I don't remember every --

20 Q. Exactly.

21 A. I mean, I can't remember every

22 little seizure that I've witnessed, but from

23 what I can remember, every seizure I ever

Page 234

1 saw, those people came out the same way, yes.

2 Q. So you think that she was faking

3 that seizure in the concert hall?

4 MR. HOWARD: Object to the form.

5

6 A. I don't think she was faking a

7 seizure. I believe when she came out, she

8 became angry.

9 Q. And when she came out, what's the

10 first thing she said?

11 A. I would have to go back and read my

12 statement, but I remember --

13 Q. It's there in front of you. And

14 I'll help you out. She said, let me go, you

15 stupid mother fuckers. Did you let her go?

16 A. Anybody who is calling --

17 Q. Did you let her go?

18 A. Anybody who is calling me a mother

19 fucker, I'm not letting go because that

20 person could be harmful to me.

21 Q. But you didn't think she was

22 harmful to you.

23 A. I'm not letting anybody go who is

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1 calling me a mother fucker.

2 Q. So you're not letting her go

3 because she called you a mother fucker, not

4 because you thought she was harmful.

5 A. No. I'm not letting her go because

6 she was being violent and I don't want

7 anybody to get hurt.

8 Q. Oh, so now you thought she was a

9 threat, because this is the first I'm hearing

10 of this. And we were almost finished, but

11 now I think we're going to need to strap in.

12 So now you're saying you thought she was

13 being violent?

14 MS. CHANDLER: Object to the form.

15

16 Q. You can answer.

17 A. I thought she was being disruptive.

18 Q. Is that a crime? Is that her fault

19 she was being held down by Rainbow City

20 police officers?

21 MR. STUBBS: Object to the form.

22 MR. HOWARD: Object to the form.

23 MS. CHANDLER: Object to the form.

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1

2 Q. You can answer.

3 A. What I mean by disruptive --

4 Q. No. Please answer the question.

5 A. Okay. Go ahead.

6 Q. Was it her fault she was being held

7 down on the floor by Rainbow City police

8 officers?

9 MR. HOWARD: Object to the form.

10

11 Q. You can answer.

12 A. At some point, yes.

13 Q. At what point?

14 A. When she became angry and began

15 cussing police officers.

16 Q. Was that before or after she told

17 you to let her go?

18 A. Say it again.

19 Q. Was it before or after she told you

20 to let her go?

21 A. That she what?

22 Q. Became disruptive.

23 A. This was after she came out of the

<p style="text-align: right;">Page 237</p> <p>1 seizure.</p> <p>2 Q. Which one?</p> <p>3 A. After the first one.</p> <p>4 Q. Had she committed a crime when she</p> <p>5 came out of the first seizure?</p> <p>6 A. No, she hadn't.</p> <p>7 Q. Was there any reason you should not</p> <p>8 have let her go?</p> <p>9 A. Yes.</p> <p>10 Q. She had not committed a crime.</p> <p>11 A. She don't have to commit a crime</p> <p>12 for us to not feel safe.</p> <p>13 Q. Why didn't you feel safe? What did</p> <p>14 you think she was going to do?</p> <p>15 A. Biting, spitting, kicking. I don't</p> <p>16 know if she's got HIV.</p> <p>17 Q. If you had let her go, do you think</p> <p>18 she would have bitten you?</p> <p>19 A. Absolutely.</p> <p>20 Q. You think she would have bitten</p> <p>21 you --</p> <p>22 A. Absolutely.</p> <p>23 Q. -- when her only request to you was</p>	<p style="text-align: right;">Page 239</p> <p>1</p> <p>2 Q. You can answer.</p> <p>3 A. I believe that guy did not know</p> <p>4 what was going on at that point and wanted to</p> <p>5 get a subject away from him.</p> <p>6 Q. But you believe that the lady who</p> <p>7 was coming out of a seizure knew what was</p> <p>8 going on and intentionally wanted to hurt</p> <p>9 you.</p> <p>10 A. Because she was directing it</p> <p>11 towards officers --</p> <p>12 Q. I'm sorry, a seventeen-year-old</p> <p>13 girl --</p> <p>14 A. Absolutely.</p> <p>15 Q. -- who you knew to be a teenager</p> <p>16 because you previously knew her from being a</p> <p>17 school resource officer, right?</p> <p>18 A. I don't look at age when I've got a</p> <p>19 situation like that. I look at protecting</p> <p>20 myself and others.</p> <p>21 Q. When you went outside to break up</p> <p>22 the fight and you cuffed --</p> <p>23 A. I wasn't outside. I was inside.</p>
<p style="text-align: right;">Page 238</p> <p>1 let me go, you stupid mother fucker.</p> <p>2 A. From my point of view, let me go</p> <p>3 meant let me go so I can harm you. That's</p> <p>4 what I believe.</p> <p>5 Q. That's what you believe.</p> <p>6 A. That's what I believe. I see it</p> <p>7 everyday.</p> <p>8 Q. And do you see people Tased</p> <p>9 everyday?</p> <p>10 A. No.</p> <p>11 Q. Did you Tase the guy that pushed</p> <p>12 you in the chest?</p> <p>13 A. No, I didn't.</p> <p>14 Q. Did you think he meant to harm you</p> <p>15 when he pushed you in the chest?</p> <p>16 A. No.</p> <p>17 Q. So you think a seventeen-year-old</p> <p>18 girl that you had seen have two seizures</p> <p>19 meant to harm you, but not the guy with whom</p> <p>20 you broke a fight up in the middle of a</p> <p>21 concert hall, at a rap concert, who pushed</p> <p>22 you in the chest did not mean to harm you.</p> <p>23 MS. CHANDLER: Object to the form.</p>	<p style="text-align: right;">Page 240</p> <p>1 Q. When you were inside and you broke</p> <p>2 up the fight and Sergeant Morris came up to</p> <p>3 you and told you that the black male that you</p> <p>4 had cuffed did not start the fight and he was</p> <p>5 just defending himself, did you think that</p> <p>6 black male meant to hurt you?</p> <p>7 A. Absolutely not.</p> <p>8 Q. Were you afraid when you went to</p> <p>9 break up the fight?</p> <p>10 A. You should always be a little</p> <p>11 afraid when you go to break up a fight.</p> <p>12 Q. Were you more afraid of going to</p> <p>13 break up a fight between two grown men than</p> <p>14 you were of that seventeen-year-old girl</p> <p>15 having medical problems lying on the floor?</p> <p>16 MS. CHANDLER: Object to the form.</p> <p>17 MR. STUBBS: Object to the form.</p> <p>18 MR. HOWARD: Object to the form.</p> <p>19</p> <p>20 Q. You can answer.</p> <p>21 A. Every situation is different.</p> <p>22 Q. But that wasn't my question.</p> <p>23 A. What's your question?</p>

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1 Q. Were you more afraid of a
 2 seventeen-year-old girl lying on the floor
 3 with medical problems than you were of the
 4 guys that you went to break the fight up?
 5 MR. STUBBS: Object to the form.
 6 MS. CHANDLER: Object to the form.
 7 MR. HOWARD: Object to the form.
 8
 9 A. After looking back at both of those
 10 situations, I was more afraid of the girl.
 11 MR. HARP: All right. That's all I
 12 have.
 13 MR. HOWARD: No questions here.
 14 MR. STUBBS: No questions.
 15 MS. CHANDLER: I don't have any
 16 questions.
 17 MR. HARP: You're finished,
 18 Mr. Gilliland. I appreciate it.
 19
 20 FURTHER DEPONENT SAITH NOT
 21 ENDING TIME: 1:45 p.m.
 22
 23 CERTIFICATE

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1
 2 STATE OF ALABAMA
 3 ETOWAH COUNTY
 4
 5 I hereby certify that the above and
 6 foregoing deposition was taken down by me in
 7 stenotype and the questions and answers
 8 thereto were transcribed by means of
 9 computer-aided transcription, and that the
 10 foregoing represents a true and correct
 11 transcript of the testimony given by said
 12 witness upon said hearing.
 13 I further certify that I am neither of
 14 counsel, nor of kin to the parties to the
 15 action, nor am I in anywise interested in the
 16 result of said cause.
 17
 18 /s/Beth Word
 19 BETH WORD
 20 ACCR #: 376
 21 EXPIRES: 9/30/2016
 22
 23